



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Lee at 10:40 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by the Rev. Doug Sanders, Student Pastor, First Baptist Church, Crawfordville:

O Lord, our Father who art in heaven, I would like to lift up these members of the Senate today, that you would give them wisdom and discernment, so that they will have the ability to make decisions for this great state in which you have allowed us to live.

Lord, keep fresh in our minds that every day we are examples and role models for the youth of this state; that not only the words that we speak, but also the actions we take will help guide and direct their paths. And Lord, we pray for the youth of this state, that you will bring up future leaders; strong, honest, and with a respect for you, to one day lead this state in our place. Give them strong homes, safe schools, and solid churches so they can grow and mature.

Knowing that you are still on your throne and still reign sovereignly over this nation, we thank you for the opportunities you have laid before us. In your precious name, we pray. Amen.

PLEDGE

Senate Pages Chase Reed Harris of Jacksonville; Tremain Bernardo Harris of Tallahassee; Samuel "Sam" Green of Orlando; and Ryan

Drawdy of Clermont, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Dennis F. Saver of Vero Beach, sponsored by Senator Haridopolos, as doctor of the day. Dr. Saver specializes in Family Practice.

ADOPTION OF RESOLUTIONS

On motion by Senator Crist—

By Senator Crist—

SR 1054—A resolution recognizing and expressing heartfelt gratitude to the 38 U.S. states and 2 Canadian provinces that provided relief workers and equipment to help restore electrical power to Florida in the long aftermath of Hurricanes Charley, Frances, Ivan, and Jeanne.

WHEREAS, the four major hurricanes that struck Florida in August and September of 2004 damaged or destroyed vital infrastructure in nearly all 63 of the state's counties, leaving millions of residents and visitors without power for many weeks at a time between August 13 and October 1, and

WHEREAS, Hurricane Charley left 1.7 million people without power, Hurricane Frances left 2.9 million people without power, Hurricane Ivan left 443,000 people without power, and Hurricane Jeanne left 2.9 million people without power, and in Hardee County the entire power-delivery structure was completely destroyed, and

WHEREAS, the severity of the recurrent battering of Florida in August and September greatly overtaxed the capability of state and local government and Florida's electric utility companies to restore power, compromising the safety, security, and health of residents and businesses, and

WHEREAS, 38 U.S. states and 2 Canadian provinces responded to Florida's crisis by sending thousands of power-restoration workers, along with the necessary equipment, to rebuild the state's electric power infrastructure, and

WHEREAS, these states and provinces are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Ontario, and Quebec, and

WHEREAS, Floridians in thousands of our communities have had personal opportunities to express their gratitude directly to the relief workers who came to Florida and worked tirelessly to repair the hurricane damage, and

WHEREAS, the members of the Florida Senate also wish to express enthusiastic gratitude for the vital support provided by these states and provinces and for the generous personal efforts extended by the individuals who came to Florida's rescue, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate pauses in its deliberations to honor those workers who came to the aid of this state following the hurricanes of

2004 and to express its gratitude for the generous support of the states and provinces that sent workers and equipment.

—was introduced out of order and read by title. On motion by Senator Crist, **SR 1054** was read the second time in full and adopted.

At the request of Senator Lynn—

By Senator Lynn—

SR 1234—A resolution recognizing RESPECT of Florida for promoting quality jobs for Floridians with disabilities.

WHEREAS, it is the policy of the State of Florida to encourage and assist individuals with disabilities, including severe disabilities, to achieve maximum personal independence through useful and productive employment, enhancing their dignity and minimizing their dependence on public support, and

WHEREAS, more than 70 percent of individuals with disabilities, including individuals with severe disabilities, in the state are unemployed, and

WHEREAS, RESPECT of Florida has provided thousands of jobs for individuals with disabilities, including severe disabilities for more than 30 years, and

WHEREAS, RESPECT of Florida creates industries that contribute to the economies of local communities in the state, and

WHEREAS, RESPECT of Florida provides a valuable service to the state and is a nationally recognized model program for providing employment for persons with severe disabilities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That RESPECT of Florida is recognized as a necessary, viable, and valuable means of carrying out the state's policy of promoting gainful employment for Floridians with disabilities, including those with severe disabilities.

—**SR 1234** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 1742—A resolution expressing gratitude and affection to all mothers.

WHEREAS, Sunday, May 8, 2005, has been designated as Mother's Day, and

WHEREAS, the highest ideals and noblest principles of humanity find their most exemplary expression in the sacrifice and devotion of mothers, and

WHEREAS, mothers embody enduring courage and conviction, charity without condescension, and emotion with sanity, and

WHEREAS, mothers are characterized by unconditional love for their offspring, are slow to lose patience, and serve as the anchors that bond the family, and

WHEREAS, a mother's love is like a flame that is always burning and intensifies each time a child is born, and

WHEREAS, a mother is a gift bestowed on man, never more dear than when bringing forth life in the form of a child, and

WHEREAS, it is proper that the members and staff of the Florida Senate recognize the immeasurable debt of gratitude owed to all mothers for their strength, guidance, understanding, and love, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of the Senate do hereby express to their own mothers and to all mothers, on behalf of the people of the State of Florida, personal affection and heartfelt gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the Senate as a tangible token of love and respect that the members hold for all mothers.

—**SR 1742** was introduced, read and adopted by publication.

At the request of Senator King—

By Senator King—

SR 2702—A resolution recognizing the week of June 20-25, 2005, as "Humane Society Appreciation Week" in Florida.

WHEREAS, there are currently 48 humane societies in the State of Florida, serving 40 counties in the struggle with domestic animal overpopulation, and

WHEREAS, humane societies work to promote animal adoption and education, eliminate animal overpopulation, prevent animal cruelty, and relieve animal suffering, and

WHEREAS, humane societies have diligently served many Florida communities for as many as 45 years, and

WHEREAS, the estimated population of more than 800,000 unwanted and stray animals euthanized in Florida each year constitutes a potential health risk for rabies and other contagious diseases in this state, and

WHEREAS, in 2004, humane societies served to locate permanent homes for many thousands of unwanted animals and promoted regional spay/neuter campaigns as a preventive and responsible measure for controlling animal overpopulation in this state, and

WHEREAS, Florida's humane societies are staffed by an estimated 10,000 residents who unselfishly volunteer their time, energy, and expertise to fulfill the goals of the humane society, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the humane societies across this state are commended for protecting the health, safety, and welfare of the people and animals of Florida.

BE IT FURTHER RESOLVED, that the week of June 20-25, 2005, is recognized as "Humane Society Appreciation Week."

—**SR 2702** was introduced, read and adopted by publication.

At the request of Senator Lynn—

By Senator Lynn—

SR 2780—A resolution recognizing Officer Robert Francis Grim, Sr., who died in the line of duty on November 13, 2004, after a lifetime of dedicated service as a police officer and police chief in Volusia County.

WHEREAS, Robert Francis Grim, Sr., was born on December 7, 1943, in Allentown, Pennsylvania, and moved to Florida following his service in the U.S. Army, and

WHEREAS, after graduating from the Daytona Police Academy, he went on to earn his Bachelor's Degree in Criminal Justice from the University of Central Florida and began a lifetime career of dedicated service as a police officer in Volusia County, and

WHEREAS, Officer Grim was deeply passionate about the safety of his community and was selected to serve as the state's first school resource officer, creating and establishing the program that continues to be modeled throughout the state today, and

WHEREAS, he also organized 28 new neighborhood watch units, leading to the creation of a Residential Security Check System; developed a "Stranger Danger" and Bicycle Safety Program for the schools; and taught D.A.R.E. to many elementary school children, and

—**SR 2782** was introduced, read and adopted by publication.

Florida Commission on Community Service		
Appointees:	Adams, Jane	09/14/2006
	Armstrong, Jack David, Jr.	09/14/2006
	Greene, Marcia	09/14/2006
	Henderson, Ann L.	09/14/2006
	Payne, Willard, Jr.	09/14/2006
	Ramsay, David B.	09/14/2006
	Ruano, Robert	09/14/2006
	Wilkie, Pauline "Polly" O.	09/14/2006

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Trustees of Brevard Community College Appointee: Theriac, James S.	05/31/2006	Appointee: Blackledge, K. Dawn	10/31/2006
Board of Trustees of Edison College Appointees: Downing, Kenneth Perry, Julia G.	05/31/2008 05/31/2008	Board of Hearing Aid Specialists Appointees: Polhill, Leanne E. Skelly, Janet M. Smith, Wayne Lee	10/31/2008 10/31/2008 10/31/2008
Board of Trustees of Gulf Coast Community College Appointee: Butler, Denise D.	05/31/2008	Higher Educational Facilities Financing Authority Appointee: Jones, Milton L., Jr.	01/17/2009
Board of Trustees of Lake-Sumter Community College Appointee: Childers, Richard D.	05/31/2006	Citrus County Hospital Board Appointee: Fredrick, Debra S.	07/07/2008
Board of Trustees of Manatee Community College Appointees: Fogarty, Julia B. Lumpkin, Kelvin	05/31/2008 05/31/2008	Board of Trustees of South Lake County Hospital District Appointee: Zahn, Paula J.	07/05/2008
Board of Trustees of Okaloosa-Walton College Appointee: Vance, Vercell	05/31/2005	Florida Housing Finance Corporation Appointees: Calvet, Cesar E. Oellerich, David E. Ruiz, Zully Stultz, Lynn M. Terry, Sandra	11/13/2008 11/13/2006 11/13/2008 11/13/2008 11/13/2008
Board of Trustees of Tallahassee Community College Appointee: Ghazvini, Alisa	05/31/2006	Florida Commission on Human Relations Appointees: Cannon, Gayle B. Elam, Donna Stall, Billy Whitefox	09/30/2008 09/30/2008 09/30/2008
Board of Trustees of Valencia Community College Appointees: Cabrera-Morris, M. Bertica Slocum, Lawrence D.	05/31/2007 05/31/2008	Commission for Independent Education Appointees: Crocitto, Peter F., Jr. Lauff, Samuel, Jr. Martin, Ilia Y. Rodgers, Judith K.	06/30/2007 06/30/2007 06/30/2006 06/30/2005
Construction Industry Licensing Board Appointees: Bailey, Doris O. Stewart, Robert W. Thornton, Thomas	10/31/2005 10/31/2007 10/31/2007	Juvenile Welfare Board of Pinellas County Appointees: Burke, Cecilia M. Milford, John A. Wilson, Beth S.	08/11/2008 08/07/2008 07/18/2008
Board of Cosmetology Appointees: Ritenbaugh, Laurel Smith, Monica Schuloff	10/31/2006 10/31/2007	Board of Landscape Architecture Appointee: Walter, Collene W.	10/31/2008
Board of Trustees for the Florida School for the Deaf and the Blind Appointee: Juba, Pamela L.	02/07/2007	Governor's Mansion Commission Appointee: de Quesada, Emilia M.	09/30/2008
Board of Dentistry Appointees: Embree, Thomas E. Fisher, Lourdes Harrison, W. G.	10/31/2008 10/31/2008 10/31/2008	Gulf States Marine Fisheries Commission Appointee: Dempsey, Hayden R.	01/05/2007
Education Practices Commission Appointees: Demetriades, Lynn F. Griffin, Dennis J. Rasco, Ana M.	09/30/2007 09/30/2007 09/30/2007	Board of Massage Therapy Appointees: Andriole, Irene D. Quiring, David C.	10/31/2008 10/31/2008
Florida Elections Commission Appointees: Mason, Otis A. Merritt-Bell, Demetria L. Spencer, David J. Thomas, Claudia Medina	12/31/2007 12/31/2007 12/31/2007 12/31/2007	Board of Medicine Appointees: Barrau, Carmel J. Davies, Laurie K. Dyches, Ronald W. Farmer, Harry Frank, Jr. Long, Monique W.	10/31/2008 10/31/2008 10/31/2008 10/31/2008 10/31/2008
Electrical Contractors' Licensing Board Appointees: Kiner, Jeffrey M. Langer, Roger E. Mugford, Norman R. Penner, Donald C. Tibbs, Clarence Kelley	10/31/2007 10/31/2006 10/31/2007 10/31/2006 10/31/2007	Assistant Adjutant General for Army Appointee: Fleming, Michael P.	Pleasure of the Adjutant General
Commission on Ethics Appointee: Jones, Kurt D., Sr.	06/30/2006	Assistant Adjutant General for Air Appointee: Titshaw, Emmett R., Jr.	Pleasure of the Adjutant General
Tampa-Hillsborough County Expressway Authority Appointee: Clark, Robert J., Jr.	07/01/2008	Board of Nursing Appointees: Herrera, Mary Jane Lewis, Andrea S. Munoz, Rita J.	10/31/2005 10/31/2007 10/31/2007
Fish and Wildlife Conservation Commission Appointee: Lane, Kathy Barco	08/01/2007	Board of Nursing Home Administrators Appointees: Barnett, Brett Francoeur, Jeri H. Reynolds, Suyrea	10/31/2008 10/31/2006 10/31/2008
Board of Funeral and Cemetery Services Appointee: Huggins, Tracy	09/08/2007		
Board of Funeral Directors and Embalmers Appointees: Brandenburg, Joseph A. Deakins, John P.	10/31/2007 10/31/2008		
Board of Professional Geologists			

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Occupational Therapy Practice		Franklin, Deidra O.	10/01/2007
Appointees: Diezel, Zoraida	10/31/2008	Laibl, George W. "Chip", Jr.	10/01/2006
Garcia, Laura A.	10/31/2008	Maxwell, Harry L.	10/01/2007
Board of Opticianry		Prachar, Charles J.	10/01/2006
Appointee: Calvo, David	10/31/2008	Sgroi, Robert E.	10/01/2006
Board of Optometry		Spaeth, Robert W.	10/01/2006
Appointee: Walker, Edward K.	10/31/2008	Vallencourt, Carol	10/01/2007
Board of Orthotists and Prosthetists		Withlacoochee Regional Planning Council, Region 5	
Appointees: Calcagno, Marco T.	10/31/2006	Appointees: Bertoch, Carl A.	10/01/2006
Fredrick, Jeffrey Ryan	10/31/2008	Fortis, Jose	10/01/2006
Morris, George R.	10/31/2008	Moore, Mark	10/01/2006
Board of Osteopathic Medicine		Powers, Linda B.	10/01/2006
Appointee: Fedor, Robert P.	10/31/2008	Sawyer, J. Wayne	10/01/2006
Board of Pharmacy		Winchester, Linda J.	10/01/2006
Appointees: Garcia, Albert L.	10/31/2005	East Central Florida Regional Planning Council, Region 6	
Parrado, Robert Mario	10/31/2008	Appointees: Acevedo, Nancy C.	10/01/2006
Poston, Rebecca R.	10/31/2008	Ghyabi, Maryam H.	10/01/2005
Board of Physical Therapy Practice		Grulich, Maria C.	10/01/2006
Appointees: Birkhead, Judith T. M.	10/31/2005	Kershaw, Janice L.	10/01/2006
Bumgarner, David	10/31/2008	McLouth, Malcolm E.	10/01/2005
Watson, Nancy L.	10/31/2008	O'Keefe, Daniel T.	10/01/2006
Board of Pilot Commissioners		Rawlson, Jon B.	10/01/2005
Appointee: Robas, Victoria Bowen	10/31/2005	Smith, Evelyn H.	10/01/2007
Board of Podiatric Medicine		Central Florida Regional Planning Council, Region 7	
Appointees: Inge, Sandra R.	10/31/2007	Appointees: Fields, Kay	10/01/2007
Price, Melvin B.	10/31/2008	Lewis, Clifton P.	10/01/2006
Florida Prepaid College Board		Macias, Tomas	10/01/2007
Appointee: Sjostrom, Erin B.	06/30/2006	Ratliff, Michael R.	10/01/2007
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		Rimer, James M.	10/01/2006
Appointees: Butchko, Beatrice A.	09/30/2008	Tucker, Jacqueline W.	10/01/2007
Fletcher, Gloria W.	09/30/2008	Tampa Bay Regional Planning Council, Region 8	
Mehta, Ravindra "Rave" V.	09/30/2007	Appointees: Albrecht, Richard T.	10/01/2006
Reeves, James J.	09/30/2007	Collins, Jill M.	10/01/2006
Smith, Rebecca J.	09/30/2008	Ghovae, Housh	10/01/2006
Board of Psychology		Guju, Michael John	10/01/2006
Appointees: Hoffman, Richard A.	10/31/2008	Hoyt, Kenneth S.	10/01/2006
Swan, Amy C.	10/31/2008	Wolf, Kathleen	10/01/2006
Florida Real Estate Commission		Southwest Florida Regional Planning Council, Region 9	
Appointee: Varnado, James D.	10/31/2008	Appointees: Carroll, Patricia	10/01/2005
Apalachee Regional Planning Council, Region 2		Elkowitz, Edward B.	10/01/2006
Appointees: Collins, Fred H.	10/01/2006	Emblidge, Margaret	10/01/2007
Dykes, Dwight E.	10/01/2007	Green, James E.	10/01/2007
Radford, Dawn E.	10/01/2006	Groves, Janice E.	10/01/2006
Ranie, Benjamin F.	10/01/2007	Maio, Alan	10/01/2006
Stanfield, Kevin L.	10/01/2007	Messina, Andrea	10/01/2007
Stephens, Donald R.	10/01/2006	Paulmann, James A.	10/01/2005
North Central Florida Regional Planning Council, Region 3		Volpe, Michael J.	10/01/2005
Appointees: Butler, Martha W.	10/01/2006	Weikel, Frank C.	10/01/2006
Dodge, David L.	10/01/2006	Treasure Coast Regional Planning Council, Region 10	
Haas, Sandra K.	10/01/2007	Appointees: Baine, Herman	10/01/2007
Mattingly, Rosalyn H.	10/01/2005	Foley, Kevin J.	10/01/2006
Maultsby, Charles T.	10/01/2006	Gibbins, Eugene R.	10/01/2006
Neill, Heather	10/01/2007	Haynie, Susan	10/01/2006
O'Neil, Gerald T.	10/01/2006	Hurley, Richard E.	10/01/2007
Painter, James "Jim" F.	10/01/2007	Miteff, Daniel N.	10/01/2007
Reeves, Fred T.	10/01/2006	South Florida Regional Planning Council, Region 11	
Smith, Andrew P.	10/01/2006	Appointees: Asseff, Patricia T.	10/01/2007
Thomas, Lorene J.	10/01/2006	Nixon-Calamari, Christine P.	10/01/2006
Northeast Florida Regional Planning Council, Region 4		Perez, Marta	10/01/2007
Appointees: Berry, Clare G.	10/01/2007	Riesco, Jose A.	10/01/2007
Duney, Mary Louise	10/01/2007	Wallace, Paul R.	10/01/2006
Fleckenstein, Rea T.	10/01/2007	Walters, Sandra	10/01/2006
		State Retirement Commission	
		Appointee: Seay, Millie J.	12/31/2005
		Board of Speech-Language Pathology and Audiology	
		Appointees: Boyev, K. Paul	10/31/2005
		Mincow, Robert	10/31/2008

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Pooser, Polly B.	10/31/2008	Secretary of Children and Family Services	
Board of Professional Surveyors and Mappers		Appointee: Hadi, Lucy D.	Pleasure of Governor
Appointee: Nobles, Pamela W.	10/31/2007		
Florida Commission on Tourism		The following executive appointments were referred to the Senate Committee on Commerce and Consumer Services and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:	
Appointees: Atchison, James "Jim"	06/30/2008		
Banks, Walter L.	06/30/2008		
Fouche, Julian E.	06/30/2008		
Goldman, Richard	06/30/2008		
Lapi, Antonino R.	06/30/2008		
Wheeler, Harold D.	06/30/2008	<i>Office and Appointment</i>	<i>For Term Ending</i>
Florida Transportation Commission		Board of Directors, Enterprise Florida, Inc.	
Appointee: Marchena, Marcos R.	09/30/2006	Appointees: Hilton, Julie K.	07/01/2007
Unemployment Appeals Commission		Leonhardt, Frederick W.	07/01/2008
Appointees: Adams, John L.	06/30/2007	Story, Susan N.	07/01/2007
Epsky, Thomas D.	06/30/2008		
Florida Commission on Veterans' Affairs		The following executive appointment was referred to the Senate Committee on Communications and Public Utilities and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:	
Appointee: Raymond, Frederic J.	11/16/2006		
Board of Veterinary Medicine			
Appointees: Horky-Burns, Katherine G.	10/31/2007	<i>Office and Appointment</i>	<i>For Term Ending</i>
Jones, Kandra L.	10/31/2007		
Big Cypress Basin Board of the South Florida Water Management District		Florida Public Service Commission	
Appointees: Priddy, Aliese P.	03/01/2007	Appointee: Edgar, Lisa B.	01/05/2009
Sorey, John F. III	03/01/2006		
Alafia River Basin Board of the Southwest Florida Water Management District		The following executive appointment was referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:	
Appointees: Bissonnette, Stephen J.	03/01/2007		
Hinton, Carol M.	03/01/2007		
Johnson, Cheryl	03/01/2006	<i>Office and Appointment</i>	<i>For Term Ending</i>
Coastal Rivers Basin Board of the Southwest Florida Water Management District		Secretary of Juvenile Justice	
Appointee: Maggard, Randy	03/01/2007	Appointee: Schembri, Anthony J.	Pleasure of Governor
Hillsborough River Basin Board of the Southwest Florida Water Management District			
Appointee: Mai, Hung T.	03/01/2007	The following executive appointments were referred to the Senate Committee on Environmental Preservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:	
Manasota Basin Board of the Southwest Florida Water Management District			
Appointees: Benac, Elizabeth O.	03/01/2007	<i>Office and Appointment</i>	<i>For Term Ending</i>
Carraway, Mac	03/01/2007		
Meyers, Richard H.	03/01/2007	Environmental Regulation Commission	
Thomas, Dora Maria C.	03/01/2007	Appointees: Chapman, Tracy Duda	07/01/2007
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District		Ross, Donald H.	07/01/2007
Appointees: Adams, Frank Lester III	03/01/2007	Wright, Kenneth W.	07/01/2007
Paloumpis, Andreas A.	03/01/2007	Governing Board of the Southwest Florida Water Management District	
Peace River Basin Board of the Southwest Florida Water Management District		Appointees: Dabney, Thomas G. II	03/01/2008
Appointees: Dunlap, Ann W.	03/01/2007	McCree, Heidi B.	03/01/2008
Edgemon, Kathleen H.	03/01/2006	Symons, Patsy C.	03/01/2008
Harrison, James Kenneth "Ken"	03/01/2007	Governing Board of the Suwannee River Water Management District	
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		Appointee: Andrews, Kelby E.	03/01/2008
Appointee: Harris, Tina C.	03/01/2007		
Withlacoochee River Basin Board of the Southwest Florida Water Management District		The following executive appointment was referred to the Senate Committee on Government Oversight and Productivity and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:	
Appointees: Baldwin, Martha Jane "Janey"	03/01/2007		
Dennis, John V.	03/01/2007		
Rooks, Albert L., Jr.	03/01/2007	<i>Office and Appointment</i>	<i>For Term Ending</i>
The following executive appointment was referred to the Senate Committee on Children and Families and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:		Secretary of Management Services	
		Appointee: Lewis, Tom, Jr.	Pleasure of Governor

The following executive appointment was referred to the Senate Committee on Health Care and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment

Secretary of Elderly Affairs
Appointee: Green, Carole A.

*For Term
Ending*

Pleasure of
Governor

As required by Rule 12.7(1), the above committees held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

- (1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;
- (2) Senate action on said appointments be taken prior to the adjournment of the 2003 Regular Session; and
- (3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully Submitted,
Bill Posey, Chair

On motion by Senator Posey, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee. The vote was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—King

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Lawson—

CS for CS for SB 778—A bill to be entitled An act relating to per diem and travel expenses; amending s. 112.061, F.S.; establishing per diem, subsistence, and mileage rates for travel expenses of public employees; conforming provisions and deleting obsolete provisions; providing legislative intent; requiring state agencies to submit certain information; providing an appropriation; requiring the Governor to recommend a budget amendment to distribute the appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 778** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for SB 838—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation for the

purpose of contracting to monitor and evaluate clinical practice patterns; providing an appropriation for the purpose of contracting for the database to review real-time utilization of Medicaid services; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (283956)(with title amendment)—On page 17, delete line 28 and insert:

(d) Within 24 months after implementation, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, shall comprehensively evaluate the pilot project for the integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; coordination of care; and quality of care. The evaluation must describe administrative or legal barriers to the implementation and operation of the pilot program and include recommendations regarding statewide expansion of the pilot program. The office shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than June 30, 2008.

(e) The agency may seek federal waivers and adopt

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation;

Amendment 2 (110104)(with title amendment)—On page 22, lines 7-21, delete those lines and insert:

(b) The agency shall develop a procedure for determining whether health care providers and service vendors can provide the Medicaid program using a business case that demonstrates whether a particular good or service can offset the cost of providing the good or service in an alternative setting or through other means and therefore should receive a higher reimbursement. The business case must include, but need not be limited to:

1. A detailed description of the good or service to be provided, a description and analysis of the agency's current performance of the service, and a rationale documenting how providing the service in an alternative setting would be in the best interest of the state, the agency, and its clients.

2. A cost-benefit analysis documenting the estimated specific direct and indirect costs, savings, performance improvements, risks, and qualitative and quantitative benefits involved in or resulting from providing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize expected benefits. The Secretary of Health Care Administration shall verify that all costs, savings, and benefits are valid and achievable.

(c) If

And the title is amended as follows:

On page 1, delete line 26 and insert: health care vendors may provide a business case

Amendment 3 (435432)—On page 24, line 5, after the period (.) insert: *The use of CARES teams to review Medicare denials for coverage under this section is authorized only if it is determined that such reviews qualify for federal matching funds through Medicaid. The agency shall seek or amend federal waivers as necessary to implement this section.*

Amendment 4 (914782)—On page 27, delete line 29 and insert:

5. By April 1, 2006, the agency shall contract

Amendment 5 (664622)(with title amendment)—On page 28, line 9 through page 29, line 7, delete those lines and insert:

6.5- The agency may apply for any federal waivers

And the title is amended as follows:

On page 2, lines 8-10, delete those lines and insert: Medicaid providers; requiring the agency to coordinate

Amendment 6 (181208)(with title amendment)—On page 42, line 4 through page 52, line 16, delete those lines and insert:

1. Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of four brand-name drugs per month per recipient. Children are exempt from this restriction. Antiretroviral agents are excluded from this limitation. No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply. The agency shall continue to provide unlimited generic drugs, contraceptive drugs and items, and diabetic supplies. Although a drug may be included on the preferred drug formulary, it would not be exempt from the four-brand limit. The agency may authorize exceptions to the brand-name-drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but the agency must establish procedures to ensure that:

a. There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation;

b. A 72-hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.; and

c. Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name-drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand-name-drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 15.4 percent, the wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in

determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers. *The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.*

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1396 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

8. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long-Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.

9. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.a. The agency shall implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program shall include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

c. If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a behavioral drug management program by September 1, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental health-related drugs, notwithstanding any provision in subparagraph 1. The agency is authorized to seek federal waivers to implement this policy.

12.a. *The agency shall implement a Medicaid prescription-drug-management system. The agency may contract with a vendor that has experience in operating prescription-drug-management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.*

b. *The drug-management system must be designed to improve the quality of care and prescribing practices based on best-practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:*

(I) *Provide for the development and adoption of best-practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best-practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on*

national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best-practice guidelines.

(II) *Implement processes for providing feedback to and educating prescribers using best-practice educational materials and peer-to-peer consultation.*

(III) *Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.*

(IV) *Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.*

(V) *Track spending trends for prescription drugs and deviation from best-practice guidelines.*

(VI) *Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.*

(VII) *Disseminate electronic and published materials.*

(VIII) *Hold statewide and regional conferences.*

(IX) *Implement disease-management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.*

~~13.12.~~ The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

~~14.13.~~ The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

~~15.14.~~ The agency may require prior authorization for the off-label use of Medicaid-covered prescribed drugs as specified in the General Appropriations Act. The agency may, but is not required to, preauthorize the use of a product for an indication not in the approved labeling. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the off-label use of a drug.

~~16.15.~~ The agency shall implement a return and reuse

And the title is amended as follows:

On page 2, lines 13-19, delete those lines and insert: allowing dispensing practitioners to participate in Medicaid; requiring that the agency implement a Medicaid prescription-drug-management system;

Senator Peaden moved the following amendment:

Amendment 7 (260650)(with title amendment)—On page 57, line 18 through page 59, line 13, delete those lines and insert:

(50) *To the extent permitted by federal law and as allowed under s. 409.906, the agency shall provide reimbursement for emergency mental health care services for Medicaid recipients in crisis-stabilization facilities licensed under s. 394.875 as long as those services are less expensive than the same services provided in a hospital setting.*

Section 2. Section 409.91211, Florida Statutes, is created to read:

409.91211 *Medicaid managed care pilot program.*—

(1) *The agency is authorized to seek experimental, pilot, or demonstration project waivers, pursuant to s. 1115 of the Social Security Act, to create a more efficient and effective service delivery system that enhances quality of care and client outcomes in the Florida Medicaid program pursuant to this section in two geographic areas. One demonstration site shall include only Broward County. A second demonstration site shall initially include Duval County and shall be expanded to include*

Baker, Clay, and Nassau Counties within 1 year after the Duval County program becomes operational. This waiver authority is contingent upon federal approval to preserve the upper-payment-limit funding mechanism for hospitals, including a guarantee of a reasonable growth factor, a methodology to allow the use of a portion of these funds to serve as a risk pool for demonstration sites, provisions to preserve the state's ability to use intergovernmental transfers, and provisions to protect the disproportionate share program authorized pursuant to this chapter.

And the title is amended as follows:

On page 2, line 23 through page 3, line 6, delete those lines and insert: program could be expanded; authorizing the agency to pay for emergency mental health services provided through licensed crisis-stabilization facilities; creating s. 409.91211, F.S.; specifying waiver authority for the Agency for Health Care Administration to establish a Medicaid reform program contingent on federal approval to preserve the upper-payment-limit finding mechanism for hospitals and contingent on protection of the disproportionate share program authorized pursuant to ch. 409, F.S.; providing

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment to **Amendment 7** which failed:

Amendment 7A (311266)—On page 2, lines 2 and 3, delete those lines and insert: *pursuant to this section in a geographic area. The*

The question recurred on **Amendment 7** which was adopted.

Senator Peaden moved the following amendment which was adopted:

Amendment 8 (370856)—On page 60, line 3 through page 63, line 10, delete those lines and insert:

(3) *The agency shall have the following powers, duties, and responsibilities with respect to the development of a pilot program:*

(a) *To develop and recommend a system to deliver all health care services specified in ss. 409.905 and 409.906, which shall not vary in amount, duration, or scope beyond what is allowed in current managed care contracts in the form of capitated managed care networks under the Medicaid program.*

(b) *To recommend Medicaid-eligibility categories, from those specified in ss. 409.903 and 409.904, which shall be included in the pilot program.*

(c) *To determine and recommend how to design the managed care pilot program in order to take maximum advantage of all available state and federal funds, including those obtained through intergovernmental transfers, the upper-payment-level funding systems, and the disproportionate share program.*

(d) *To determine and recommend actuarially sound, risk-adjusted capitation rates for Medicaid recipients in the pilot program which can be separated to cover comprehensive care, enhanced services, and catastrophic care.*

(e) *To determine and recommend policies and guidelines for phasing in financial risk for approved provider service networks over a 3-year period. These shall include an option to pay fee-for-service rates that may include a savings-settlement option for at least 2 years. This model may be converted to a risk-adjusted capitated rate in the third year of operation.*

(f) *To determine and recommend provisions related to stop-loss requirements and the transfer of excess cost to catastrophic coverage that accommodates the risks associated with the development of the pilot program.*

(g) *To determine and recommend a process to be used by the Social Services Estimating Conference to determine and validate the rate of growth of the per-member costs of providing Medicaid services under the managed care pilot program.*

(h) To determine and recommend program standards and credentialing requirements for capitated managed care networks to participate in the pilot program, including those related to fiscal solvency, quality of care, and adequacy of access to health care providers. It is the intent of the Legislature that, to the extent possible, any pilot program authorized by the state under this section include any federally qualified health center, federally qualified rural health clinic, county health department, or other federally, state, or locally funded entity that serves the geographic areas within the boundaries of the pilot program that requests to participate. This paragraph does not relieve an entity that qualifies as a capitated managed care network under this section from any other licensure or regulatory requirements contained in state or federal law which would otherwise apply to the entity. The standards and credentialing requirements shall be based upon, but are not limited to:

1. Compliance with the accreditation requirements as provided in s. 641.512.
2. Compliance with early and periodic screening, diagnosis, and treatment screening requirements under federal law.
3. The percentage of voluntary disenrollments.
4. Immunization rates.
5. Standards of the National Committee for Quality Assurance and other approved accrediting bodies.
6. Recommendations of other authoritative bodies.
7. Specific requirements of the Medicaid program, or standards designed to specifically meet the unique needs of Medicaid recipients.
8. Compliance with the health quality improvement system as established by the agency, which incorporates standards and guidelines developed by the Centers for Medicare and Medicaid Services as part of the quality assurance reform initiative.
9. The network's infrastructure capacity to manage financial transactions, recordkeeping, data collection, and other administrative functions.
10. The network's ability to submit any financial, programmatic, or patient-encounter data or other information required by the agency to determine the actual services provided and the cost of administering the plan.

(i) To develop and recommend a mechanism for providing information to Medicaid recipients for the purpose of selecting a capitated managed care plan. For each plan available to a recipient, the agency, at a minimum shall ensure that the recipient is provided with:

1. A list and description of the benefits provided.
2. Information about cost sharing.
3. Plan performance data, if available.
4. An explanation of benefit limitations.
5. Contact information, including identification of providers participating in the network, geographic locations, and transportation limitations.
6. Any other information the agency determines would facilitate a recipient's understanding of the plan or insurance that would best meet his or her needs.

(j) To develop and recommend a system to ensure that there is a record of recipient acknowledgment that choice counseling has been provided.

(k) To develop and recommend a choice counseling system to ensure that the choice counseling process and related material are designed to provide counseling through face-to-face interaction, by telephone, and in writing and through other forms of relevant media. Materials shall be written at the fourth-grade reading level and available in a language other than English when 5 percent of the county speaks a language other than English. Choice counseling shall also use language lines and other services for impaired recipients, such as TTD/TTY.

(l) To develop and recommend a system that prohibits capitated managed care plans, their representatives, and providers employed by or contracted with the capitated managed care plans from recruiting persons eligible for or enrolled in Medicaid, from providing inducements to Medicaid recipients to select a particular capitated managed care plan, and from prejudicing Medicaid recipients against other capitated managed care plans. The system shall require the entity performing choice counseling to determine if the recipient has made a choice of a plan or has opted out because of duress, threats, payment to the recipient, or incentives promised to the recipient by a third party. If the choice counseling entity determines that the decision to choose a plan was unlawfully influenced or a plan violated any of the provisions of s. 409.912(21), the choice counseling entity shall immediately report the violation to the agency's program integrity section for investigation. Verification of choice counseling by the recipient shall include a stipulation that the recipient acknowledges the provisions of this subsection.

(m) To develop and recommend a choice counseling system that promotes health literacy and provides information aimed to reduce minority health disparities through outreach activities for Medicaid recipients.

(n) To develop and recommend a system for the agency to contract with entities to perform choice counseling. The agency may establish standards and performance contracts, including standards requiring the contractor to hire choice counselors who are representative of the state's diverse population and to train choice counselors in working with culturally diverse populations.

(o) To determine and recommend descriptions of the eligibility assignment processes which will be used to facilitate client choice while ensuring pilot programs of adequate enrollment levels. These processes shall ensure that pilot sites have sufficient levels of enrollment to conduct a valid test of the managed care pilot program within a 2-year timeframe.

(Renumber subsequent paragraphs.)

Senator Campbell moved the following amendment which was adopted:

Amendment 9 (322390)—On page 65, line 16, after "409.9128." insert: *The pilot program must include a provision for continuation of fee-for-service payments for individuals who access emergency departments and subsequently are determined eligible for Medicaid services.*

Senator Rich moved the following amendment which was adopted:

Amendment 10 (060154)—On page 67, between lines 11 and 12, insert:

(y) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to persons with developmental disabilities sufficient to meet the medical, developmental, and emotional needs of these persons.

(z) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to Medicaid-eligible children in foster care. These services must be coordinated with community-based care providers as specified in s. 409.1675, where available, and be sufficient to meet the medical, developmental, and emotional needs of these children.

Senator Peaden moved the following amendments which were adopted:

Amendment 11 (482962)(with title amendment)—On page 69, line 24 through page 71, line 7, delete those lines and insert:

(f) The agency shall apply for federal waivers from the Centers for Medicare and Medicaid Services to allow recipients to purchase health care coverage through an employer-sponsored health insurance plan instead of through a Medicaid-certified plan. This provision shall be known as the opt-out option.

1. A recipient who chooses the Medicaid opt-out option shall have an opportunity for a specified period of time, as authorized under a waiver granted by the Centers for Medicare and Medicaid Services, to select and enroll in a Medicaid-certified plan. If the recipient remains in the employer-sponsored plan after the specified period, the recipient shall remain in the opt-out program for at least 1 year or until the recipient no longer has

access to employer-sponsored coverage, until the employer's open enrollment period for a person who opts out in order to participate in employer-sponsored coverage, or until the person is no longer eligible for Medicaid, whichever time period is shorter.

2. Notwithstanding any other provision of this section, coverage, cost sharing, and any other component of employer-sponsored health insurance shall be governed by applicable state and federal laws.

(5) This section does not authorize the agency to implement any provision of s. 1115 of the Social Security Act experimental, pilot, or demonstration project waiver to reform the state Medicaid program in any part of the state other than the two geographic areas specified in this section unless approved by the Legislature.

(6) The agency shall develop and submit for approval applications for waivers of applicable federal laws and regulations as necessary to implement the managed care pilot project as defined in this section. The agency shall post all waiver applications under this section on its Internet website 30 days before submitting the applications to the United States Centers for Medicare and Medicaid Services. All waiver applications shall be provided for review and comment to the appropriate committees of the Senate and House of Representatives for at least 10 working days prior to submission. All waivers submitted to and approved by the United States Centers for Medicare and Medicaid Services under this section must be submitted to the appropriate committees of the Senate and the House of Representatives in order to obtain authority for implementation as required by s. 409.912(11), before program implementation. The appropriate committees shall recommend whether to approve the implementation of the waivers to the Legislature or to the Legislative Budget Commission if the Legislature is not in session. The agency shall submit a plan containing a detailed timeline for implementation and budgetary projections of the effect of the pilot program on the total Medicaid budget for the 2006-2007 through 2009-2010 fiscal years.

(7) Upon review and approval of the applications for waivers of applicable federal laws and regulations to implement the managed care pilot program by the Legislature, the agency may initiate adoption of rules pursuant to ss. 120.536(1) and 120.54 to implement and administer the managed care pilot program as provided in this section.

And the title is amended as follows:

On page 3, lines 9-11, delete those lines and insert: pilot program; requiring that the agency submit any waivers to the Legislature for approval before implementation; allowing the agency to develop rules; requiring that

Amendment 12 (243474)(with title amendment)—On page 77, line 5 through page 78, line 17, delete those lines and insert:

Section 9. By January 15, 2006, the Office of Program Policy Analysis and Government Accountability shall submit to the Legislature a study of the long-term care community diversion pilot project authorized under sections 430.701-430.709, Florida Statutes. The study may be conducted by staff of the Office of Program Policy Analysis and Government Accountability or by a consultant obtained through a competitive bid pursuant to the provisions of chapter 287, Florida Statutes. The study must use a statistically-valid methodology to assess the percent of persons served in the project over a 2-year period who would have required Medicaid nursing home services without the diversion services, which services are most frequently used, and which services are least frequently used. The study must determine whether the project is cost-effective or is an expansion of the Medicaid program because a preponderance of the project enrollees would not have required Medicaid nursing home services within a 2-year period regardless of the availability of the project or that the enrollees could have been safely served through another Medicaid program at a lower cost to the state.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 28 through page 4, line 4, delete those lines and insert: resort; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs;

Senators Miller, Campbell, Rich and Dawson offered the following amendment which was moved by Senator Miller and adopted:

Amendment 13 (242194)(with title amendment)—On page 79, between lines 11 and 12, insert:

Section 14. The Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General, Medicaid Fraud Control Unit and the Auditor General, shall conduct a study to examine issues related to the amount of state and federal dollars lost due to fraud and abuse in the Medicaid prescription drug program. The study shall focus on examining whether pharmaceutical manufacturers and their affiliates and wholesale pharmaceutical manufacturers and their affiliates that participate in the Medicaid program in this state, with respect to rebates for prescription drugs, are inflating the average wholesale price that is used in determining how much the state pays for prescription drugs for Medicaid recipients. The study shall also focus on examining whether the manufacturers and their affiliates are committing other deceptive pricing practices with regard to federal and state rebates for prescription drugs in the Medicaid program in this state. The study, including findings and recommendations, shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives by January 1, 2006.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 19, after the semicolon (;) insert: requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General and the Auditor General, to conduct a study to examine whether state and federal dollars are lost due to fraud and abuse in the Medicaid prescription drug program; providing duties; requiring that a report with findings and recommendations be submitted to the Governor and the Legislature by a specified date;

SENATOR CARLTON PRESIDING

Senator Fasano moved the following amendment which failed:

Amendment 14 (384180)(with title amendment)—On page 79, between lines 11 and 12, insert:

Section 14. In addition to other quality assurance standards required by law or rule or in an approved federal waiver, and in consultation with the Department of Elderly Affairs and area agencies on aging, the Agency for Health Care Administration must develop quality assurance standards that are specific to the care needs of elderly individuals. The quality assurance standards must measure enrollee outcomes and satisfaction with care management and home and community-based services that are provided by managed care plans to recipients who are 60 years of age or older. The agency shall contract with area agencies on aging to perform initial and ongoing measurement of the appropriateness, effectiveness, and quality of care management and home and community-based services that are provided to the recipients and to collect and report the resolution of enrollee grievances and complaints. The agency and the department must coordinate the quality measurement activities performed by area agencies on aging with other quality assurance activities required by this section in a manner that promotes efficiency and avoids duplication.

Section 15. In demonstration areas, the area agency on aging shall serve as the aging resource center. Except as otherwise provided in this section, the aging resource center, if available, must be the entry point for eligibility determination for persons who are 60 years of age or older, and must provide choice counseling to assist recipients in choosing a plan. If an aging resource center is not operating in an area, the Agency for Health Care Administration may, in consultation with the Department of Elderly Affairs, designate other entities to perform these functions until an aging resource center is established and has the capacity to perform these functions.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 16, after the semicolon (;) insert: requiring that the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, develop quality assurance standards that are specific to the care needs of elderly individuals; requiring the agency to contract with area agencies on aging to perform initial and ongoing

measurement of the appropriateness, effectiveness, and quality of services and to collect and report the resolution of enrollee grievances and complaints; requiring the agency and the department to coordinate the quality measurement activities; requiring the area agency on aging to serve as the aging resource center in demonstration areas, if available; requiring the aging resource center to be the entry point for eligibility determination for persons 60 years of age or older; providing duties; authorizing the agency, in consultation with the Department of Elderly Affairs, to designate other entities to perform as the aging resource center under certain circumstances;

Senators Miller, Campbell, Rich and Dawson offered the following amendment which was moved by Senator Miller and adopted:

Amendment 15 (773244)(with title amendment)—On page 79, between lines 11 and 12, insert:

Section 14. *Health care payroll assessment.*—

(1) *As used in this section, the term:*

(a) “Agency” means the Agency for Health Care Administration.

(b) “Employee” means any person who receives remuneration from an employer for the performance of any work or service while engaged in any employment under any appointment or contract for hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes, but is not limited to, aliens and minors.

(c) “Employer” means every person or entity carrying on any employment with 10,000 or more employees in this state. The term “employer” does not include the state or the political subdivisions in the state.

(d) “Entity” includes corporation and foreign corporation; unincorporated association; business trust, estate, partnership, trust, and two or more persons having a joint or common economic interest.

(e) “Health insurance costs” means the amount paid by an employer to provide health care or health insurance to employees in this state to the extent the costs may be deductible by an employer under federal tax law. Health insurance costs include payments for medical care, prescription drugs, vision care, dental care, and any other costs to provide health care to an employee.

(f) “Secretary” means the secretary for Health Care Administration.

(g) “Wages” means the money rate at which the service rendered is recompensed under a contract of hiring and includes only the wages earned and reported for federal income tax purposes.

(2) Beginning January 1, 2007, and annually thereafter, an employer must submit to the secretary on a form or in a manner approved by the secretary:

(a) The number of employees of the employer in this state as of 1 day in the year immediately preceding the previous calendar year as determined by the employer on an annual basis.

(b) The amount of money spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in this state.

(c) The percentage of the payroll that was spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in this state.

The information required shall be designated in a report signed by the principal executive officer and include an affidavit under penalty of perjury that the information required in this section was reviewed by the principal executive officer and is true to the best of the officer’s knowledge, information and belief.

(3) When calculating the percentage of payroll under this section, an employer may exempt:

(a) Wages paid to any employee in excess of the median household income in this state as published by the United States Census Bureau; and

(b) Wages paid to an employee who is enrolled in or eligible for Medicare.

(4) An employer who is organized as a not for profit organization that does not spend up to 6 percent of the total wages paid to employees in this state on health insurance costs shall pay to the secretary an amount equal to the difference between what the employer spends for health insurance costs and an amount equal to 6 percent of the total wages paid to employees in this state.

(5) An employer who is not organized as a not for profit organization and does not spend up to 8 percent of the total wages paid to employees in this state on health insurance costs shall pay to the secretary an amount equal to the difference between what the employer spends for health insurance costs and an amount equal to 8 percent of the total wages paid to employees in this state.

(6) An employer may not deduct any payment made under subsection (4) or subsection (5) from the wages of an employee.

(7) An employer must make payments required under this section to the secretary on a periodic basis as adopted in a rule by the agency.

(8) On or before March 15 of each year, the secretary shall report to the Governor and to the Legislature:

(a) The name of each nonprofit and for profit employer with 10,000 or more employees in this state;

(b) The employer’s definition of a full-time employee;

(c) The number of full-time employees;

(d) The number of full-time employees eligible to receive health insurance benefits;

(e) The number of full-time employees receiving health insurance benefits from the employer;

(f) The source of health insurance benefits for those full-time employees not receiving health benefits through an employer subject to reporting under this section;

(g) The number of part-time employees;

(h) The number of part-time employees eligible to receive health insurance benefits;

(i) The number of part-time employees receiving health insurance benefits from the employer; and

(j) The source of health insurance benefits for those eligible part-time employees not receiving health benefits through an employer subject to reporting under this section.

(9) On an annual basis, the secretary shall:

(a) Verify which nonprofit and for profit employer has 10,000 or more employees in this state; and

(b) Ensure that each nonprofit and for profit employer with 10,000 or more employees in this state has reported as required by this section.

(10)(a) If an employer fails to report to the secretary the information that is required by subsection (2), the secretary shall impose on the employer a civil fine of \$250 for each day that the report is not filed with the secretary.

(b) If an employer fails to make a required payment to the secretary which is required by subsection (7), the secretary shall impose on the employer a civil fine of \$250,000.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 19, after the semicolon (;) insert: creating the health care payroll assessment; providing definitions; requiring employers with more than 10,000 employees in this state to provide specified information to the secretary of the Health Care Administration; requiring employers who do not spend a specified amount on health insurance costs

to pay the secretary an amount equal to the difference between what the employer pays and a percentage of the total payroll; requiring the secretary to submit certain reports to the Governor and the Legislature by a specified date; providing for penalties

The vote was:

Yeas—18

Alexander	Fasano	Lynn
Aronberg	Garcia	Margolis
Bennett	Geller	Miller
Bullard	Hill	Rich
Campbell	Jones	Siplin
Dawson	Klein	Wilson

Nays—16

Argenziano	Diaz de la Portilla	Saunders
Atwater	Haridopolos	Sebesta
Baker	King	Webster
Carlton	Peaden	Wise
Clary	Posey	
Constantine	Pruitt	

Senator Peaden moved the following amendment which was adopted:

Amendment 16 (972270)(with title amendment)—On page 79, line 12 through page 80, line 14, delete those lines and insert:

Section 14. *The sums of \$7,129,241 in recurring General Revenue Funds, \$9,076,875 in nonrecurring General Revenue Funds, \$8,608,242 in recurring funds from the Administrative Trust Fund, and \$9,076,874 in nonrecurring funds from the Administrative Trust Fund are appropriated and 11 full time equivalent positions are authorized for the purpose of implementing this act.*

And the title is amended as follows:

On page 4, lines 17-28, delete those lines and insert: providing an appropriation and authorizing positions to implement this act; providing an effective date.

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment which was adopted:

Amendment 17 (962140)—On page 61, line 13, after the period (.) insert: *Federally qualified health centers may be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid primary care services.*

RECONSIDERATION OF AMENDMENT

On motion by Senator Bennett, the Senate reconsidered the vote by which **Amendment 15 (773244)** was adopted. **Amendment 15** failed. The vote was:

Yeas—14

Argenziano	Geller	Margolis
Aronberg	Hill	Miller
Campbell	Jones	Rich
Dawson	Klein	Siplin
Fasano	Lynn	

Nays—20

Alexander	Diaz de la Portilla	Pruitt
Atwater	Garcia	Saunders
Baker	Haridopolos	Sebesta
Bennett	King	Villalobos
Clary	Lawson	Webster
Constantine	Peaden	Wise
Crist	Posey	

Vote after roll call:

Yea—Wilson

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted:

Amendment 18 (314588)—On page 65, line 16, after the period (.) insert: *The pilot program must include a provision for continuing fee-for-service payments for emergency services, including but not limited to, individuals who access ambulance services or emergency departments and who are subsequently determined to be eligible for Medicaid services.*

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment which was adopted:

Amendment 19 (743378)—On page 57, between lines 17 and 18, insert:

(50) *The agency may contract with established federally qualified health centers that provide services to historically underserved and uninsured patients. The networks must provide cost-effective Medicaid services, comply with the requirements of a MediPass provider, and provide their primary care physicians with access to data and other management tools necessary to assist them in ensuring the appropriate use of services, including inpatient hospital services and pharmaceuticals.*

(a) *The agency may provide for the development and expansion of federally qualified health center based provider service networks in each service area to provide services to Medicaid recipients who are eligible to participate under federal law and rules.*

(b) *The agency may reimburse each federally qualified health center based network as a fee-for-service provider, including the case management fee for primary care or as a capitated rate provider for Medicaid services. Any savings shall be shared with the federally qualified health center networks under the contract.*

(c) *For purposes of this subsection, the term “cost-effective” means that a network’s per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees must be no greater than the state’s costs associated with contracts for Medicaid services, which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31.*

(d) *The agency may apply for any federal waivers needed to administer this subsection.*

Redesignate subsequent subsections

Pursuant to Rule 4.19, **CS for CS for SB 838** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

CS for SB 1414—A bill to be entitled An act relating to domestic security; amending s. 943.03101, F.S.; providing legislative findings with respect to the need to coordinate counter-terrorism efforts and responses in accordance with the state comprehensive emergency management plan; amending s. 943.0311, F.S.; clarifying duties of the Chief of Domestic Security Initiatives; amending s. 943.0312, F.S., relating to the regional domestic security task forces; revising the statewide strategy with respect to domestic security to include prevention, protection,

and recovery efforts; requiring that the regional task forces support the domestic security functions of the Department of Law Enforcement; revising the membership of the task forces; authorizing the co-chair of each task force to appoint subcommittees to address specified issues; revising the duties of the Chief of Domestic Security Initiatives; creating s. 943.0313, F.S.; creating the Domestic Security Oversight Council to act as an advisory council to guide the regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and Legislature; providing the membership of the council; authorizing the council to invite ex officio, nonvoting members to attend and participate in council meetings; providing for a chair and vice chair of the council; providing for an absent member to be represented by a designee; requiring the council to establish bylaws; providing for terms of membership; providing that members or designees are entitled to reimbursement for per diem and travel expenses; requiring the Department of Law Enforcement to provide staff for the council; providing meeting requirements; requiring the council to establish an executive committee and specifying members; providing the duties of the council; requiring the council to make annual funding recommendations; requiring an annual report to the Governor and Legislature; providing that the council is a criminal justice agency for purposes of the public-records law; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1414** to **HB 1715**.

Pending further consideration of **CS for SB 1414** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1715** was withdrawn from the Committees on Domestic Security; Governmental Oversight and Productivity; Criminal Justice; Education; Justice Appropriations; and Rules and Calendar.

On motion by Senator Diaz de la Portilla, the rules were waived and—

HB 1715—A bill to be entitled An act relating to domestic security; amending s. 943.03101, F.S.; providing that counter-terrorism coordination must be conducted in accordance with the state comprehensive emergency management plan; amending ss. 943.03 and 943.0311, F.S.; changing the title of the position “Chief of Domestic Security Initiatives” to “Chief of Domestic Security”; revising references to conform; clarifying duties of the Chief of Domestic Security; revising provisions relating to required security assessments of buildings, facilities, and structures owned or leased by state agencies, state universities, and community colleges; requiring certain assessments to be provided to the Chief of Domestic Security within a specified timeframe; revising requirements with respect to a report by the Chief of Domestic Security regarding suggestions for security enhancements; revising provisions with respect to the recommendation, development, and implementation of best practices for the safety and security of specified buildings, facilities, and structures; amending s. 943.0312, F.S.; revising provisions with respect to regional domestic security task forces; conforming language; providing an additional duty of the task forces; revising the organization and membership of the task forces; providing editorial changes; requiring the task forces to make specified recommendations to the Domestic Security Oversight Council; creating s. 943.0313, F.S.; creating the Domestic Security Oversight Council; providing purpose of the council; providing for membership of the council; providing for organization, meetings, staffing, and duties of the council; providing for the establishment of an executive committee and membership thereof; providing duties of the executive committee; requiring annual reports to the Governor and Legislature; providing that the council is a criminal justice agency for the purposes of ch. 119, F.S.; amending s. 381.00315, F.S., to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1414** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1715** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 798—A bill to be entitled An act relating to public records; amending s. 390.01116, F.S.; providing a public-records exemption for information that could identify a minor which is contained in a record

held by the court relating to a minor’s petition to waive notice requirements when terminating a pregnancy; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 798** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1801** was withdrawn from the Committees on Domestic Security; Governmental Oversight and Productivity; Criminal Justice; Justice Appropriations; and Rules and Calendar.

On motion by Senator Diaz de la Portilla—

HB 1801—A bill to be entitled An act relating to public meetings and public records; creating s. 943.0314, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings of the Domestic Security Oversight Council at which the council hears or discusses active criminal investigative information or active criminal intelligence information; providing conditions precedent to the closing of such meeting or portion thereof; providing an exemption from public records requirements for an audio or video recording of a closed meeting of the council and any minutes and notes generated during the closed meeting until the criminal investigative information or criminal intelligence information heard or discussed therein ceases to be active; specifying those persons who are authorized to attend a closed meeting of the council; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1416** and read the second time by title.

Pursuant to Rule 4.19, **HB 1801** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2000** and **CS for SB 2048** was deferred.

On motion by Senator Atwater, by two-thirds vote **HB 473** was withdrawn from the Committees on Environmental Preservation; Domestic Security; Criminal Justice; and General Government Appropriations.

On motion by Senator Atwater—

HB 473—A bill to be entitled An act relating to water management district security; creating s. 373.6055, F.S.; requiring water management districts with structures or facilities identified as critical infrastructure to conduct criminal history checks of certain persons; authorizing water management districts with structures or facilities that are not identified as critical infrastructure to conduct criminal history checks of certain persons; providing requirements for criminal history checks; requiring submission of fingerprints to the Department of Law Enforcement and the Federal Bureau of Investigation; providing for payment of criminal history check costs; requiring the water management district security’s plan to identify criminal history convictions or factors that disqualify applicants for employment and restricted area access; authorizing the use of such factors to disqualify certain employees and other persons; authorizing water management districts to establish appeal procedures; authorizing water management districts to grant temporary waivers; providing offenses that disqualify a person from employment or access to a restricted access area; providing an exception to disqualification; providing an effective date.

—a companion measure, was substituted for **SB 1612** and read the second time by title.

Pursuant to Rule 4.19, **HB 473** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 72—A bill to be entitled An act relating to military personnel on duty; creating the Citizen Soldier Matching Grant Program within the Agency for Workforce Innovation; providing for matching grants to be awarded to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty; providing eligibility requirements for grant recipients; directing the Agency for Workforce Innovation to develop a plan to administer the application and payment procedures for the matching grants; providing for the grant program to be funded by legislative appropriations; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 72** to **HB 691**.

Pending further consideration of **CS for SB 72** as amended, on motion by Senator Geller, by two-thirds vote **HB 691** was withdrawn from the Committees on Commerce and Consumer Services; Community Affairs; and Transportation and Economic Development Appropriations.

On motion by Senator Geller, the rules were waived and—

HB 691—A bill to be entitled An act relating to military personnel on duty; creating the Citizen Soldier Matching Grant Program within the Agency for Workforce Innovation; providing for matching grants to be awarded to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty; providing eligibility requirements for grant recipients; directing the Agency for Workforce Innovation to develop a plan to administer the application and payment procedures for the matching grants; providing for the award of matching grants after approval of the plan; providing an appropriation; providing that professional licenses issued to any member of the Florida National Guard or the United States Armed Forces Reserves shall not expire while the member is serving on federal active duty; providing a 90-day extension period for such licenses after return from federal active duty; providing requirements with respect to such extension; providing an effective date.

—a companion measure, was substituted for **CS for SB 72** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 691** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller, by two-thirds vote **HB 747** was withdrawn from the Committees on Commerce and Consumer Services; Community Affairs; and Transportation and Economic Development Appropriations.

On motion by Senator Geller—

HB 747—A bill to be entitled An act relating to the Citizen Soldier Matching Grant Trust Fund; creating the Citizen Soldier Matching Grant Trust Fund within the Agency for Workforce Innovation; requiring that moneys in the trust fund be used to award matching grants to private sector employers who provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 74** and read the second time by title.

Pursuant to Rule 4.19, **HB 747** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2426** was deferred.

CS for CS for SB 1316—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 193.501, F.S.; defining the term “open to the general public” for the purpose of determining outdoor recreational or park purposes; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; requiring the Department of Environmental Protection and appropriate water management districts to expedite permitting of certain marina projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 327.47, F.S.; providing for funding certain boating grant programs administered by the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; increasing vessel registration fees; providing for a portion of the fees to be designated for boating grant programs; amending s. 328.76, F.S.; clarifying the use of funds designated for boating grant programs; creating s. 324.07, F.S.; enunciating the state’s interest in maintaining recreational and commercial working waterfronts; defining the term “recreational and commercial working waterfront”; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax-deferral ordinances for recreational and commercial working waterfronts; providing a tax deferral for ad valorem taxes and non-ad valorem assessments covered by a tax certificate and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease if there is a change in the use of the property; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; amending s. 253.002, F.S.; clarifying provisions; amending s. 253.67, F.S.; providing definitions; amending s. 253.68, F.S.; conforming provisions; amending s. 253.74, F.S.; conforming provisions; providing a penalty; amending s. 253.75, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1316** to **HB 955**.

Pending further consideration of **CS for CS for SB 1316** as amended, on motion by Senator Bennett, by two-thirds vote **HB 955** was withdrawn from the Committees on Community Affairs; Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

On motion by Senator Bennett—

HB 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of

amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of "aquaculture"; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74, F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1316** as amended and read the second time by title.

On motion by Senator Bennett, further consideration of **HB 955** was deferred.

On motion by Senator Alexander—

SB 1998—A bill to be entitled An act relating to investment of public funds; amending ss. 17.57, 218.415, F.S.; authorizing the state and units of local government, respectively, to invest public funds in certificates of deposit of federally insured banks or savings and loan associations,

which certificates are procured through qualified public depositories; prescribing conditions for such investments and depositories; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1998** to **HB 871**.

Pending further consideration of **SB 1998** as amended, on motion by Senator Alexander, by two-thirds vote **HB 871** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Ways and Means.

On motion by Senator Alexander—

HB 871—A bill to be entitled An act relating to deposit of public funds; amending s. 17.57, F.S.; providing additional authorization for the Chief Financial Officer to deposit state funds; amending s. 218.415, F.S.; providing additional authorization for units of local government to deposit surplus local government funds; amending s. 280.03, F.S.; exempting certain public deposits from the security for public deposits requirements of chapter 280, F.S.; providing an effective date.

—a companion measure, was substituted for **SB 1998** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 871** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 974** and **CS for CS for SB's 2072** and **SB 1714** was deferred.

On motion by Senator Atwater, by two-thirds vote **HB 395** was withdrawn from the Committees on Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

On motion by Senator Atwater—

HB 395—A bill to be entitled An act relating to recreational licenses and permits; amending s. 372.57, F.S.; providing for a military gold sportsman's license; providing for an annual fee; providing authorizations allowed under license; providing eligibility requirements; amending ss. 372.5712, 372.5715, and 372.573, F.S.; providing for uses of specified pro rata portions of revenue generated from the military gold sportsman's license; amending s. 372.661, F.S.; exempting patrons of licensed hunting preserves from the license and permit requirements of the military gold sportsman's license while hunting on the licensed preserve property; providing an effective date.

—a companion measure, was substituted for **CS for SB 1610** and read the second time by title.

Pursuant to Rule 4.19, **HB 395** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wilson, by two-thirds vote **HB 1559** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Wilson, by two-thirds vote—

HB 1559—A bill to be entitled An act relating to respite care; creating s. 400.4071, F.S.; creating an intergenerational respite care assisted living facility pilot program; providing legislative intent; providing duties of the Agency for Health Care Administration with respect to the program; providing requirements and standards for the program; providing for rules; requiring a report to the Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 1516** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1559** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 1922—A bill to be entitled An act relating to public-records and public-meetings exemptions; amending s. 112.324, F.S.; providing an exemption from public-records requirements for a complaint of an alleged violation of part III of chapter 112, F.S., the Code of Ethics for Public Officers and Employees, or any other alleged breach of the public trust within the jurisdiction of a Commission on Ethics and Public Trust established by a municipality and records relating to such complaint or to any preliminary investigation held by the commission; providing an exemption from public-meetings requirements for any proceeding conducted by the commission pursuant to such complaint or preliminary investigation; providing conditions for termination of the exemptions; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1922** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **HB 501** was withdrawn from the Committees on Banking and Insurance; Commerce and Consumer Services; and General Government Appropriations.

On motion by Senator Posey—

HB 501—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; including service warranty agreement sales covering communications equipment under certain limited licensing provisions; providing for additional appointment authority for certain licensed branch locations of a communications equipment retail vendor; revising certain application, appointment, and licensing requirements for certain entities; providing for payment of appointment fees; providing an exception; requiring renewals of appointments; providing for a renewal fee; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; amending s. 627.7295, F.S.; deleting a requirement for inclusion of an agent fee in a rate filing; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1002** and read the second time by title.

Pursuant to Rule 4.19, **HB 501** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 2068** was deferred.

On motion by Senator Atwater, by two-thirds vote **HB 805** was withdrawn from the Committees on Environmental Preservation; General Government Appropriations; and Ways and Means.

On motion by Senator Atwater—

HB 805—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for solar energy systems; amending s. 212.08, F.S.; deleting a scheduled repeal of such exemption; providing an effective date.

—a companion measure, was substituted for **SB 1620** and read the second time by title.

Pursuant to Rule 4.19, **HB 805** was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Pruitt, the Senate recessed at 12:34 p.m. to reconvene at 1:04 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:28 p.m. by Senator Carlton who was presiding. A quorum present—40:

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

SPECIAL ORDER CALENDAR, continued

On motion by Senator Clary, by two-thirds vote **HB 1395** was withdrawn from the Committees on Environmental Preservation; Governmental Oversight and Productivity; and General Government Appropriations.

On motion by Senator Clary—

HB 1395—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; revising the provisions for the placement of uniform warning and safety flags at public beaches; prohibiting the display of flags not specifically developed by the Department of Environmental Protection; revising liability provisions; authorizing the department to develop and distribute information and materials related to beach safety; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2426** and read the second time by title.

Pursuant to Rule 4.19, **HB 1395** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

HB 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of "aquaculture"; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74,

F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—which was previously considered this day.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (254830)(with title amendment)—Between lines 926 and 927, insert:

Section 17. Paragraph (l) is added to subsection (24) of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.—

(24) STATUTORY EXEMPTIONS.—

(l) *The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 96, after the semicolon (;) insert: providing an exemption;

On motion by Senator Bennett, further consideration of **HB 955** as amended was deferred.

SB 2640—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; exempting clinical facilities affiliated with certain chiropractic colleges from certain regulations; creating s. 460.4063, F.S.; authorizing chiropractic college-based internship programs; providing registration requirements and program requirements; prescribing fees; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2640** to **HB 1651**.

Pending further consideration of **SB 2640** as amended, on motion by Senator Geller, by two-thirds vote **HB 1651** was withdrawn from the Committees on Health Care; and Education.

On motion by Senator Geller, the rules were waived and by two-thirds vote—

HB 1651—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; providing that pt. XIII of ch. 400, F.S., the Health Care Clinic Act, does not apply to clinical facilities affiliated with certain chiropractic colleges; amending s. 460.402, F.S.; providing an exception to regulation for chiropractic students participating in chiropractic college clinical internships; amending s. 460.403, F.S.; defining "chiropractic college clinical internship"; providing an effective date.

—a companion measure, was substituted for **SB 2640** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1651** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2176—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.;

On motion by Senator Geller—

revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to furnish certain voter information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; conforming a cross-reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change or residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.08, F.S.; providing for contribution limits to statewide candidates; amending s. 106.34, F.S.; revising the method of calculating a candidate's expenditures if such candidate is requesting contributions from the Election Campaign Financing Trust Fund; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; providing the method of qualifying for nomination or election to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up

indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; amending s. 106.33, F.S.; increasing certain campaign contribution limits; providing effective dates.

—was read the second time by title.

Senator Posey moved the following amendments which were adopted:

Amendment 1 (923664)—On page 65, lines 20 and 21, delete those lines and insert:

(k) *Public assistance identification as provided in s.*

Amendment 2 (075234)—On page 69, delete line 21 and insert:

Section 33. Effective January 1, 2007, subsection (1) of section 101.161, Florida

Senator Campbell moved the following amendment which failed:

Amendment 3 (391298)(with title amendment)—On page 81, line 12 through page 82, line 27, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 6, lines 24-28, delete those lines and insert: appraisers, to conform;

Senator Posey moved the following amendment which was adopted:

Amendment 4 (605590)(with title amendment)—On page 82, lines 11-15, delete those lines and insert: *chapters 97 through 102 and 105 of the Election Code.*

And the title is amended as follows:

On page 6, delete line 28 and insert: safety, or welfare;

Senator Smith moved the following amendment which was adopted:

Amendment 5 (904060)(with title amendment)—On page 84, between lines 14 and 15, insert:

Section 52. *Section 104.047(1), Florida Statutes, is repealed.*

Section 53. *Absentee ballots and voting; violations.—Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, with intent to alter, change, modify, or erase any vote on the absentee ballot, except as provided in sections 101.6105-101.695, Florida Statutes, commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 24, after the semicolon (;) insert: repealing s. 104.047(1), F.S., relating to criminal penalties for participation in certain exchanges associated with voting by absentee ballot; making it a third-degree felony to participate in certain exchanges associated with voting by absentee ballot;

Senator Posey moved the following amendment which was adopted:

Amendment 6 (961736)—On page 84, lines 15 and 16, delete those lines and insert:

Section 52. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2006.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendments to be considered:

Senator Posey moved the following amendments which were adopted:

Amendment 7 (290898)—On page 58, line 24 through page 59, line 2, delete those lines and insert:

1. *Census block boundaries from the most recent United States census;*
2. *Governmental unit boundaries reported in the most recent Boundary and Annexation Survey published by the United States Census Bureau;*
3. *Visible features that are readily distinguishable upon the ground, such as streets, railroads, tracks, streams, and lakes, and that are indicated upon current census maps, official Department of Transportation maps, official municipal maps, official county maps, or a combination of such maps;*
4. *Boundaries of public parks, public school grounds, or churches; or*
5. *Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the United States Census Bureau for block boundaries.*

Amendment 8 (102256)—On page 21, lines 12 and 13, delete those lines and insert:

- ~~11. Entertainment identification.~~
- ~~9.12. Public assistance identification.~~

Amendment 9 (683354)—On page 31, line 5 through page 32, line 9, delete those lines and insert:

97.1031 Notice of change of residence ~~within the same county,~~ change of name, or change of party affiliation.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must provide notification of such move to the supervisor of elections of that county. The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic means. However, notification of such move other than by signed, written notice must include the elector's date of birth. *An elector may also provide notification to other voter registration officials as provided in subsection (2).* A voter information registration identification card reflecting the new information ~~address of legal residence~~ shall be issued to the elector as provided in subsection (3)(4).

(2) When an elector moves from the address named on that person's voter registration record to another address in a different county but within the state, the elector seeks to change party affiliation, or the name of an elector is changed by marriage or other legal process, the elector ~~shall~~ must provide notice ~~a signed, written notification~~ of such change to a voter registration official using a voter registration application signed by the elector. A voter information ~~the supervisor and obtain a registration identification card reflecting the new information shall be issued to the elector as provided in subsection (3) name.~~

~~(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to the supervisor and obtain a registration identification card reflecting the new party affiliation, subject to the issuance restriction in s. 97.071(3).~~

(3)(4) The voter registration official ~~supervisor~~ shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation. ~~The supervisor of elections and shall issue the new voter information registration identification card as required by s. 97.071(3).~~

Amendment 10 (073254)—On page 71, line 26, insert:

Section 37. Effective January 1, 2007, paragraph (a) of subsection (4) of section

Amendment 11 (960062)(with title amendment)—On page 16, between lines 10 and 11, insert:

(6) *If a voter registration applicant fails to provide any of the required information on the voter registration application form, the supervisor*

shall notify the applicant of the failure by mail within 5 business days after the supervisor has the information available in the voter registration system. The applicant shall have an opportunity to complete the application form to vote in the next election up until the book closing for that next election.

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053

Amendment 12 (120396)(with title amendment)—On page 80, between lines 23 and 24, insert:

Section 45. Effective upon becoming a law, subsection (7) is added to section 106.0705, Florida Statutes, to read:

106.0705 Electronic filing of campaign treasurer's reports.—

(7) Notwithstanding anything in law to the contrary, any report required to have been filed under this section for the period ended March 31, 2005, shall be deemed to have been timely filed if the report is filed under this section on or before June 1, 2005.

And the title is amended as follows:

On page 6, line 21, after the semicolon (;) insert: amending s. 106.0705, F.S.; providing for the timely filing of certain reports;

Amendment 13 (802986)(with title amendment)—On page 84, between lines 14 and 15, insert:

Section 52. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; *to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075;* to the Department of Revenue pursuant to an interagency agreement to facilitate service of process in Title IV-D cases; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims, and are exempt from the provisions of s. 119.07(1).

And the title is amended as follows:

On page 7, line 24, after the semicolon (;) insert: amending s. 322.142, F.S.; providing for disclosure of certain confidential driver's license information to the department under certain circumstances;

Amendment 14 (761002)—On page 76, delete line 18 and insert: association identification; ~~entertainment identification;~~ or

Amendment 15 (620672)(with title amendment)—On page 50, line 16 through page 51, line 23, delete those lines and insert:

Section 23. Section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from *the statewide voter registration system books*; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.—

(1) Any person who requested that his or her name be removed from *the statewide voter registration system books* between the book-closing date of the ~~first~~ primary and the date of the ~~second~~ primary may not register in a different political party until after the date of the ~~second~~ primary election.

(2) When the name of any elector is removed from *the statewide voter registration system books* pursuant to s. 98.065 or ~~s. 98.075~~, ~~or s.~~

~~98-093~~, the elector's original registration *application form* shall be retained by the supervisor of elections having custody of the *application filed alphabetically in the office of the supervisor*. As alternatives, registrations removed from the *statewide voter registration system books* may be microfilmed and such microfilms substituted for the original registration *applications forms*; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration *application form*. Such microfilms or stored information shall be retained by the supervisor of elections having ~~in the custody of the supervisor~~. In the event the original registration *applications forms* are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the department.

(3) When the name of any elector has been erroneously or illegally removed from the *statewide voter registration system books*, the name of the elector shall be restored by a *voter registration official* ~~the supervisor~~ upon satisfactory proof, even though the registration period for that election is closed.

And the title is amended as follows:

On page 4, line 26, after the semicolon (;) insert: deleting provisions relating to the second primary;

Amendment 16 (910870)(with title amendment)—On page 30, lines 5-10, delete those lines and insert: *voter information registration identification card*. However, a *voter information registration identification card* indicating a party affiliation change made between the book-closing date for the ~~first~~ primary election and the date of the ~~second~~ primary election may not be issued until after the ~~second~~ primary election.

And the title is amended as follows:

On page 2, line 30, after the semicolon (;) insert: deleting provisions relating to second primary;

Senator Margolis moved the following amendment:

Amendment 17 (563162)—On page 79, lines 26-28, delete those lines and insert:

(a) Governor and Lieutenant Governor: *\$1 for each Florida-registered voter \$5 million*.

(b) Cabinet officer: *50 cents for each Florida-registered*

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

Senator Klein moved the following substitute amendment:

Amendment 18 (825468)(with title amendment)—On page 79, line 19 through page 80, line 23, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 6, lines 18-21, delete those lines.

On motion by Senator Posey, further consideration of **CS for CS for SB 2176** as amended with pending **Amendment 17 (563162)** and pending substitute **Amendment 18 (825468)** was deferred.

On motion by Senator Campbell, by two-thirds vote **HB 1921** was withdrawn from the Committees on Children and Families; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Campbell—

HB 1921—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 741.3165, F.S.; expanding the exemption from public records requirements for confidential or exempt information obtained by a domestic violence fatality review team to include information that identifies a victim of domestic

violence or the children of a victim; expanding the exemption from public meetings requirements to exempt those portions of meetings at which confidential or exempt information is discussed; providing for review and repeal; providing a statement of public necessity; removing unnecessary language; making clarifying changes; providing an effective date.

—a companion measure, was substituted for **CS for SB 974** and read the second time by title.

Pursuant to Rule 4.19, **HB 1921** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, the Senate resumed consideration of—

HB 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of "aquaculture"; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74, F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes,

assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—which was previously considered and amended this day.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 2 (432534)(with title amendment)—Lines 214-370, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

Lines 11-29, delete those lines and insert: recreational and commercial working waterfronts;

Pursuant to Rule 4.19, **HB 955** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

CS for CS for SB 2178—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2178** to **HB 1591**.

Pending further consideration of **CS for CS for SB 2178** as amended, on motion by Senator Posey, by two-thirds vote **HB 1591** was withdrawn from the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Posey—

HB 1591—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 2178** as amended and read the second time by title.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which was adopted:

Amendment 1 (225150)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 97.0585, Florida Statutes, is amended to read:

97.0585 *Public-records exemption; information regarding voters and voter registration* ~~Declinations to register; place of registration and registration information; confidentiality.—~~

(1) *The following information concerning voters and voter registration held by an agency as defined in s. 119.011 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for purposes of voter registration:*

(a) All declinations to register to vote made pursuant to ss. 97.057 and 97.058 ~~are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for voter registration purposes.~~

(b)(2) Information relating to the place where a person registered to vote or where a person updated a voter registration.

(c) *The social security number, driver's license number, and Florida identification number of a voter registration applicant or voter.*

(2) *The signature of a voter registration applicant or a voter is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution; and a voter's signature, social security number, and telephone number may not be copied and is are exempt for that purpose from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.*

(3) *This section applies to information held by an agency before, on, or after the effective date of this exemption.*

Section 2. Subsection (2) of section 741.465, Florida Statutes, is amended to read:

741.465 Public records exemption for the Address Confidentiality Program for Victims of Domestic Violence.—

(2) The names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence contained in voter registration and voting records held by the supervisor of elections and the Department of State are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except the information may be disclosed under the following circumstances: to a law enforcement agency for purposes of assisting in the execution of an arrest warrant or, if directed by a court order, to a person identified in the order. This exemption applies to information made exempt by this subsection before, on, or after the effective date of the exemption.

Section 3. *Sections 97.0585 and 741.465, Florida Statutes, as amended by this act, are subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 4. (1) *The Legislature recognizes that the Help America Vote Act of 2002 requires the implementation of a new single, uniform, centralized, interactive, and computerized statewide voter registration system by January 1, 2006. The Florida Voter Registration System (FVRS) will replace the existing state's voter registration system. The FVRS will interface with and integrate voter registration information and records from the offices of the 67 county supervisors of elections. The FVRS will contain the name and other registration information of every legally registered voter in the state. The FVRS will be the official list of registered voters in the state and will be used as the registration system for federal and state elections. Any such system must keep information concerning a person's decision not to register or information concerning the place where a person registers to vote confidential in accordance with the National Voter Registration Act. Therefore, the Legislature finds it necessary*

to continue the existing public-records exemption to keep such information confidential and exempt in order to conform with the requirements of the National Voter Registration Act. Additionally, because persons may register to vote or update voter registration information at designated voter registration agencies that may include any office that provides public assistance, this exemption is also necessary to protect from disclosure personal information concerning those persons who apply for or receive public assistance at these offices.

(2) The Legislature also finds it necessary to broaden the existing exemption from public-records access to social security numbers of voters and voter registration applicants to include driver's license numbers and Florida identification numbers. The Legislature finds that access to such information can lead to fraud, personal identity theft, and invasion of privacy. The Florida Voter Statewide Voter Registration System, once implemented and maintained, will constitute one of the most comprehensive and up-to-date databases of persons in this state. The Legislature finds it not only necessary to exempt from copying social security numbers, driver's license numbers, and Florida identification numbers of those persons in the Florida Voter Registration System but also to exempt those numbers from inspection. Even the memorization of a single person's social security number, driver's license number, or Florida identification number could result in economic and personal harm to that individual whose numbers may be used to perpetrate fraud or may be coupled with other readily available public information to commit personal identity theft or to gain access to records, such as financial, educational, or medical records. The Legislature also finds it necessary to keep the social security numbers, driver's license numbers, and Florida identification numbers in the Florida Voter Registration System confidential and exempt in order to encourage voter registration and remove disincentives to registering to vote.

(3) The Legislature also finds it necessary to continue and to expand the existing exemption that precludes the copying of a voter's signature. Currently, a voter's signature is exempt from copying but only if contained on a voter registration application or precinct register. Two advisory opinions from the Attorney General issued in 2001 stated that a voter's signature on an absentee ballot certificate is not part of the voter registration record and therefore not exempt from copying. Because express exemption from copying did not exist for absentee ballot certificates, any person or entity may request and obtain copies of all signatures of voters who voted absentee in any particular election. Consequently, any person or entity may also request and obtain copies of all signatures of voters who signed provisional ballot envelopes, early voting certificates, or any other voting-related documents other than a voter registration application or a precinct register. The Legislature intends that a voter's signature be protected in order to prevent fraud, identity theft, or invasion of privacy in all instances. Nonetheless, the Legislature finds that any exemption for such signatures must be balanced against the continuing administrative need to allow for public inspection of the signatures of voters or voter registration applicants for purposes of voter verification, matching, or authenticity as may occur in a voter's challenge or canvassing of an absentee ballot. Therefore, the Legislature finds that it is a public necessity to continue the existing exemption solely from copying of voters' signatures and to expand that exemption to apply to voters' signatures as may also appear on absentee ballot certificate envelopes, provisional ballot envelopes, early-voting certificates, or any other voting-related document that must be executed for purposes of voting or voter registration.

(4) The Legislature also finds that it is a public necessity that the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence which are contained in voter registration and voting records held by the supervisor of elections and the Department of State be made exempt from public-records requirements. Participants in the program have demonstrated to the Office of the Attorney General that there exists a risk to their physical safety and security. Nonetheless, program participants must be afforded the ability to participate in society and cast a vote in elections. However, the supervisor of elections and the Department of State must have a verifiable address for a program participant in order to place that participant in the proper voting district and to maintain accurate records for compliance with state and federal requirements. The public-records exemption for the participant's name is a public necessity because access to such name narrows the location of that participant to his or her voting area. In addition, access to the participant's address and telephone number provides specific location and contact information for the participant. Therefore, access to the participant's name, address, and telephone number defeats the sole purpose of the Address Confidentiality Program for

Victims of Domestic Violence, which is to provide safety and security for each participant.

Section 5. This act shall take effect on the same date that Senate Bill 2176 or similar legislation takes effect, if such legislation is enacted in the same legislative session or an extension thereof and becomes law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for retroactive application of the exemption; amending s. 741.465, F.S.; expanding a public-records exemption for the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence contained in certain voter records held by the supervisor of elections and the Department of State; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

Pursuant to Rule 4.19, **HB 1591** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for SB 1862—A bill to be entitled An act relating to women's health care; providing a short title; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortion clinics performing abortions after the first trimester of pregnancy; requiring rules that prescribe standards for physical facilities, supplies and equipment, personnel, screening and evaluation, the abortion procedure, recovery, followup care, and incident reporting; providing that rules regulating abortion clinics may not impose an unconstitutional burden rather than a legally significant burden on a woman's right to choose to terminate her pregnancy; providing for severability; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **CS for SB 1862** to **HB 1041**.

Pending further consideration of **CS for SB 1862**, on motion by Senator Dockery, by two-thirds vote **HB 1041** was withdrawn from the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

On motion by Senator Dockery—

HB 1041—A bill to be entitled An act relating to women's health care; providing a popular name; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortion clinics performing abortions after the first trimester of pregnancy; requiring rules that prescribe standards for physical facilities, supplies and equipment, personnel, screening and evaluation, the abortion procedure, recovery, follow-up care, and incident reporting; providing that rules regulating abortion clinics may not impose an unconstitutional burden rather than a legally significant burden on a woman's right to choose to terminate her pregnancy; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1862** and read the second time by title.

Pursuant to Rule 4.19, **HB 1041** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 1790—A bill to be entitled An act relating to street lighting; creating s. 768.1382, F.S.; limiting liability for certain public and private entities providing street lights, security lights, or other similar illumination; providing that certain entities do not owe duty to the public to provide, operate, or maintain illumination; providing for exceptions; prohibiting certain findings of fault or responsibility of an entity not a party to litigation; providing for severability; providing for application; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1790** to **HB 135**.

Pending further consideration of **SB 1790** as amended, on motion by Senator Webster, by two-thirds vote **HB 135** was withdrawn from the Committees on Judiciary; Communications and Public Utilities; and Rules and Calendar.

On motion by Senator Webster, the rules were waived and—

HB 135—A bill to be entitled An act relating to liability of providers of streetlights; creating s. 768.1382, F.S.; providing definitions; including certain security or area lights within the definition of the term “streetlight”; limiting liability of a streetlight provider for injury or death or property damage affected or caused by a malfunctioning streetlight; providing procedures for notice and repair of malfunctioning streetlights as a condition for limited liability; providing that noncompliance with such procedures does not create a presumption of negligence; limiting liability of a public utility or electric utility that discontinues service to a streetlight under certain circumstances; limiting liability of a public utility or electric utility for the design, layout, quantity, or placement of streetlights or level of illumination resulting from the proper operation of a streetlight or series of streetlights; prohibiting certain findings of fault of an entity not a party to litigation; providing for conflict, effect, and application; providing an effective date.

—a companion measure, was substituted for **SB 1790** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 135** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2562—A bill to be entitled An act relating to asbestos and silica claims; providing a short title; providing purposes; providing definitions; requiring physical impairment as an essential element of a claim; providing criteria for prima facie evidence of physical impairment for claims and certain actions; providing exceptions; providing additional requirements for evidence relating to physical impairment; specifying absence of certain presumptions at trial; providing procedures for claims and certain actions; providing for consolidation; providing for venue; providing for preliminary proceedings; requiring asbestos and silica claims to include certain information; specifying certain limitation periods for certain claims; specifying distinct causes of action for certain conditions; limiting damages under certain circumstances; prohibiting a general release from liability; prohibiting award of punitive damages; providing for collateral source payments; specifying liability rules applicable to certain persons; providing for construction; providing severability; providing application to certain civil actions; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (121578)—On page 9, line 26 through page 10, line 16, delete those lines and insert:

(a) *Is currently a board-certified oncologist, pathologist, pulmonary specialist, or specialist in occupational and environmental medicine;*

(b) *Has conducted a physical examination of the exposed person, or if the person is deceased, has reviewed all available records relating to the exposed person's medical condition;*

(c) *Is actually treating or treated the exposed person, and has or had a doctor-patient relationship with the person; and*

(d) *Is currently licensed to practice and actively practices in this country.*

Senator Campbell moved the following amendment which failed:

Amendment 2 (241432)—On page 10, lines 18-23, delete those lines and insert: *quality 1 or 2 chest x-ray under the ILO System of classification showing small, irregular opacities of s, t, or u, which are graded by a certified B-reader as at least 1/0 on the ILO scale, or a finding of interstitial fibrosis interpreted by a qualified physician based upon computerized tomography.*

Senator Campbell moved the following amendment which was adopted:

Amendment 3 (854990)—On page 11, lines 20-29, delete those lines and redesignate subsequent subsections.

Senator Webster moved the following amendment which was adopted:

Amendment 4 (603058)—On page 14, lines 19-31, delete those lines and insert:

1. *Total lung capacity, by plethysmography or timed gas dilution, below the predicted lower limit of normal;*

2. *Forced vital capacity below the lower limit of normal and a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or*

3. *A chest x-ray showing small, irregular opacities (s, t, u) graded by a certified B-reader at least 2/1 on the ILO scale.*

(g) *If the exposed person meets the requirements of paragraphs (a), (b), and (c), and if a qualified physician determines that the exposed person has a physical impairment, as demonstrated by meeting the criteria set forth in paragraphs (d) and (f)1. or 2., but the exposed person's chest x-ray*

Senator Campbell moved the following amendment which failed:

Amendment 5 (215290)—On page 14, line 27 through page 15, line 8, delete those lines and insert:

(g) *If the exposed person meets the requirements of paragraphs (a), (b), and (c) and if a qualified physician determines that the exposed person has a physical impairment, as demonstrated by meeting the criteria set forth in paragraph (d), subparagraph (f)1., or subparagraph (f)2., but the exposed person's chest x-ray does not demonstrate radiological evidence of asbestosis, the exposed person may meet the criteria of paragraph (e) if a qualified physician, relying on high-resolution computed tomography, determines to a reasonable degree of medical certainty that the exposed person has asbestosis and forms the conclusion set forth in paragraph (h).*

Senator Webster moved the following amendments which were adopted:

Amendment 6 (612588)—On page 15, line 27, delete “and (g)” and insert: (g), and (h)

Amendment 7 (115610)(with title amendment)—On page 22, lines 17-21, delete those lines

(Redesignate subsequent subsections.)

And the title is amended as follows:

On page 1, delete line 13 and insert: providing for

Senator Campbell moved the following amendment which failed:

Amendment 8 (405410)(with title amendment)—On page 27, between lines 24 and 25, insert:

(6) *This act is not intended to limit any qualified physician from relying upon any form of diagnostic testing, including, but not limited to, nuclear bone scans, PET scans, or MRI's, if in the professional judgment*

of the qualified physician such testing or procedures is or has become recognized for the diagnosis of any asbestos-related disease.

And the title is amended as follows:

On page 1, line 25, after the second semicolon (;) insert: providing no limitation on the use of other diagnostic testing;

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which failed:

Amendment 9 (374246)—On page 27, line 25, delete “July 1, 2005” and insert: the later of July 1, 2005, or such date as legislation substantially similar to this act takes effect in states representing at least one-half of the population of the United States, according to the U.S. Census Bureau’s Census 2000.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendments to be considered:

Senator Campbell moved the following amendment which was adopted:

Amendment 10 (952678)—On page 24, line 13, after “asbestos-related” insert: or silica-related

Senator Campbell moved the following amendments which failed:

Amendment 11 (815616)—On page 19, line 3, delete “1/1” and insert: 1/0

Amendment 12 (091434)—On page 11, line 15, delete “nodular”

Senator Campbell moved the following amendment which was adopted:

Amendment 13 (092070)—On page 9, line 9, after “asbestos” insert: or silica

Senator Campbell moved the following amendment which failed:

Amendment 14 (051804)—On page 22, line 24, after “plaintiff” insert: or defendant

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendments to be considered:

Senator Webster moved the following amendments which were adopted:

Amendment 15 (273270)—On page 15, line 28 through page 17, line 24, delete those lines and insert:

(3) A person who is a smoker may not file or maintain a civil action alleging an asbestos claim which is based upon cancer of the lung, larynx, pharynx, or esophagus in the absence of a prima facie showing that includes all of the following requirements:

(a) A diagnosis by a qualified physician who is board-certified in pathology, pulmonary medicine, or oncology, as appropriate for the type of cancer claimed, of a primary cancer of the lung, larynx, pharynx, or esophagus, and that exposure to asbestos was a substantial contributing factor to the condition.

(b) Evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to asbestos and the date of diagnosis of the cancer.

(c) Radiological or pathological evidence of asbestosis or diffuse pleural thickening or a qualified physician’s diagnosis of asbestosis based on a chest x-ray graded by a certified B-reader as at least 1/0 on the ILO scale and high-resolution computed tomography supporting the diagnosis of asbestosis to a reasonable degree of medical certainty.

(d) Evidence of the exposed person’s substantial occupational exposure to asbestos. If a plaintiff files a civil action alleging an asbestos-related claim based on cancer of the lung, larynx, pharynx, or esophagus, and that plaintiff alleges that his or her exposure to asbestos was the result of extended contact with another exposed person who, if the civil action had been filed by the other exposed person, would have met the substantial occupational exposure requirement of this subsection, and the plaintiff alleges that he or she had extended contact with the exposed person during the time period in which that exposed person met the substantial occupational exposure requirement of this subsection, the plaintiff has satisfied the requirements of this paragraph. The plaintiff in such a civil action must individually satisfy the requirements of this subsection.

(e) If the exposed person is deceased, the qualified physician, or someone working under the direct supervision and control of a qualified physician, may obtain the evidence required in paragraph (b) and paragraph (d) from the person most knowledgeable about the alleged exposures that form the basis of the asbestos claim.

(f) A conclusion by a qualified physician that the exposed person’s medical findings and impairment were not more probably the result of causes other than the asbestos exposure revealed by the exposed person’s employment and medical history. A conclusion that the medical findings and impairment are “consistent with” or “compatible with” exposure to asbestos does not meet the requirements of this subsection.

(4) In a civil action alleging an asbestos claim by a nonsmoker based on cancer of the lung, larynx, pharynx, or esophagus, a prima facie showing of an impairment due to asbestos exposure is not required.

(5) A person may not file or maintain a civil action alleging an asbestos claim which is based on cancer of the colon, rectum, or stomach in the absence of a prima facie showing that includes all of the following requirements:

(a) A diagnosis by a qualified physician who is board-certified in pathology, pulmonary medicine, or oncology, as appropriate for the type of cancer claimed, of cancer of the colon, rectum, or stomach, and that exposure to asbestos was a substantial contributing factor to the condition.

(b) Evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to asbestos and the date of diagnosis of the cancer.

(c)1.a. Radiological or pathological evidence of asbestosis or diffuse pleural thickening or a qualified physician’s diagnosis of asbestosis based on a chest x-ray graded by a certified B-reader as at least 1/0 on the ILO scale and high-resolution computed tomography supporting the diagnosis of asbestosis to a reasonable degree of medical certainty; or

b. Evidence of the exposed person’s substantial occupational exposure to asbestos. If a plaintiff files a civil action alleging an asbestos-related claim based on cancer of the colon, rectum, or stomach, and that plaintiff alleges that his or her exposure to asbestos was the result of extended contact with another exposed person who, if the civil action had been filed by the other exposed person, would have met the substantial occupational exposure requirement of this subsection, and the plaintiff alleges that he or she had extended contact with the exposed person during the time period in which that exposed person met the substantial occupational exposure requirement of this subsection, the plaintiff has satisfied the requirements of this sub-subparagraph. The plaintiff in such a civil action must individually satisfy the requirements of this subsection.

2. In the case of an exposed person who is a smoker, the criteria in sub-subparagraphs 1.a. and b. must be met.

3. If the exposed person is deceased, the qualified physician, or someone working under the direct supervision and control of a qualified physician, may obtain the evidence required in sub-subparagraph 1.b. and paragraph (b) from the person most knowledgeable about the alleged exposures that form the basis of the asbestos claim.

(d) A conclusion by a qualified physician that the exposed person’s medical findings and impairment were not more probably the result of causes other than the asbestos exposure revealed by the exposed person’s employment and medical history. A conclusion that the medical findings

and impairment are “consistent with” or “compatible with” exposure to asbestos does not meet the requirements of this subsection.

(6) *In a civil action alleging an asbestos claim based upon mesothelioma a prima facie showing of an impairment due to asbestos exposure is not required.*

(Redesignate subsequent subsections.)

Amendment 16 (102760)—In title, on page 2, delete line 21 and insert: 2295, 2302 (1999), has characterized as an “elephantine mass”

Pursuant to Rule 4.19, **CS for SB 2562** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

COMMUNICATION

The Honorable Tom Lee, President
The Florida Senate

May 3, 2005

Dear Mr. President:

In compliance with Article III, Section 19(d), State Constitution, and Joint Rule 2, copies of the Appropriations Conference Committee Report on **SB 2600** have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed May 3, 2005 at 3:07 p.m., EDT.

Respectfully submitted,
Faye W. Blanton, Secretary

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

On motion by Senator Aronberg, by unanimous consent—

CS for SB 284—A bill to be entitled An act relating to consumer protection; creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of system security under certain circumstances; amending s. 817.568, F.S.; redefining the term “personal identification information” and defining the term “counterfeit or fictitious personal identification information”; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; providing for severability; providing an effective date.

—as amended April 28 was taken up out of order and read the third time by title.

On motion by Senator Aronberg, by two-thirds vote **HB 481** was withdrawn from the Committees on Commerce and Consumer Services; and Judiciary.

On motion by Senator Aronberg, by two-thirds vote—

HB 481—A bill to be entitled An act relating to unlawful use of personal identification information; amending s. 817.568, F.S.; including other information within the definition of the term “personal identification information”; defining the term “counterfeit or fictitious personal identification information”; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of system security under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 284** as amended and read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 481** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

On motion by Senator Fasano, by unanimous consent—

CS for CS for SB 594—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; providing for payments to a physician assistant under contracts providing for paying for surgical first assisting benefits or services; including certified surgical first assistants, as defined, within certain benefits or services payment provisions; limiting application; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Fasano, **CS for CS for SB 594** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **CS for SB 718** was deferred.

HB 1527—A bill to be entitled An act relating to disposition of unclaimed property; amending s. 717.106, F.S.; specifying communication by documented telephone contact to avoid a presumption of certain property being unclaimed; amending s. 717.1101, F.S.; decreasing a time period for a presumption of stock, equity interest, and certain debt of a business association being unclaimed; specifying criteria for certain other property of a business association being presumed unclaimed; amending s. 717.117, F.S.; revising requirements for notifying owners of inactive accounts; amending s. 717.118, F.S.; increasing a threshold amount for a requirement for an active attempt to notify owners of unclaimed property; amending s. 717.119, F.S.; revising provisions for disposal of proceeds of sales of unclaimed firearms or ammunition; amending s. 717.122, F.S.; providing for sale of unclaimed stock or certain equity interest under certain circumstances; amending s. 717.124, F.S.; revising requirements for making unclaimed property claims; amending s. 717.12404, F.S.; revising requirements for making claims on behalf of a business entity or trust; creating s. 717.12406, F.S.; providing definitions; amending s. 717.1241, F.S.; revising requirements and procedures for resolving conflicting claims; amending s. 717.1242, F.S.; requiring the ordering of estate or heirs to pay the Department of Financial Services certain costs and fees; amending s. 717.1243, F.S.; revising requirements and procedures for claims by beneficiaries of deceased owners of unclaimed property; creating s. 717.1245, F.S.; requiring petitioners for writs of garnishment to pay the department certain costs and fees in certain actions; amending s. 717.1311, F.S.; deleting a provision requiring certain record holders to pay certain estimated amounts relating to insufficient records; amending s. 717.1315, F.S.; revising requirements and procedures for retention of records by an owner's representative; amending s. 717.132, F.S.; providing for imposition of fines by a court instead of the department; amending s. 717.1322, F.S.; providing for civil enforcement by the department of certain violations; revising the department's authority to issue certain registration revocation orders; creating s. 717.1323, F.S.; specifying a prohibited practice; amending s. 717.1331, F.S.; authorizing the department to enforce subpoenas; amending s. 717.1333, F.S.; authorizing the estimation of certain amounts due from insufficient records; amending s. 717.135, F.S.; revising requirements for powers of attorney to recover property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to a power of attorney; amending s. 717.1351, F.S.; revising requirements for contracts to acquire ownership of or entitlement to property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to an agreement; providing rule-making authority to the department to specify what evidence may identify a seller; creating s. 717.1381, F.S.; specifying certain powers of attorney and agreements to be void as contrary to public policy; prohibiting entering into such agreements; providing application; amending s. 717.1400, F.S.; revising registration requirements; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Clary, **HB 1527** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Dawson	Margolis	
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist, Smith

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of “rental company” for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Campbell, further consideration of **CS for SB 1030** as amended was deferred.

Consideration of **CS for SB 1098** was deferred.

CS for SB 1180—A bill to be entitled An act relating to medical regulatory boards; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; providing for applicability; amending s. 458.311, F.S.; providing for an externship; amending ss. 458.331 and 459.015, F.S.; providing for membership on certain probable cause panels; providing that a practitioner licensed in ch. 458, F.S., may use as a defense that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer and that the practitioner had no intent to violate the law; requiring the Department of Health to notify health care providers if the department learns that a drug that has not been approved by the United States Food and Drug Administration for human use has been sold to identified health care providers in this state; providing an effective date.

—as amended May 2 was read the third time by title.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (181832)(with title amendment)—On page 6, between lines 3 and 4, insert:

Section 6. Subsection (13) of section 465.003, Florida Statutes, is amended to read:

465.003 Definitions.—As used in this chapter, the term:

(13) "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of the patient's drug therapy and communication with the patient's prescribing health care provider as licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient, regarding the drug therapy. However, nothing in this subsection may be interpreted to permit an alteration of a prescriber's directions, the diagnosis or treatment of any disease, the initiation of any drug therapy, the practice of medicine, or the practice of osteopathic medicine, unless otherwise permitted by law. "Practice of the profession of pharmacy" also includes any other act, service, operation, research, or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, and shall expressly permit a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients. *"Practice of the profession of pharmacy" also includes the administering to adults of influenza virus immunizations by a pharmacist within the framework of an established protocol under a supervisory practitioner who is a physician licensed under chapter 458 or chapter 459 or by written agreement with a county health department. Each protocol must contain specific procedures to address any unforeseen allergic reaction to an immunization. A pharmacist may not enter into a protocol unless he or she maintains at least \$200,000 of professional liability insurance and not until the pharmacist has completed training in immunizations as provided in this subsection. A pharmacist administering an influenza vaccine shall maintain and make available patient records using the same standards for confidentiality and maintenance of such records as those that are imposed on health care practitioners by s. 456.057. These records must be maintained for a minimum of 5 years. The decision by a supervisory practitioner to enter into such a protocol is a professional decision of the practitioner, and a person may not interfere with a supervisory practitioner's decision as to whether to enter into such a protocol. A pharmacist may not enter into a protocol that is to be performed while acting as an employee without the written approval of the owner of the pharmacy. Any pharmacist seeking to immunize patients under this subsection must be certified to administer immunizations pursuant to a certification program approved by the Board of Pharmacy upon consultation with the Board of Medicine. The certification program must, at a minimum, require that a pharmacist attend at least 20 hours of continuing education classes approved by the Board of Pharmacy. The program must have a curriculum of instruction concerning the safe and effective administration of immunizations, including, but not limited to, potential allergic reactions to immunizations. The certification to perform inactivated influenza vaccinations shall include, but need not be limited to, the following compliance criteria:*

(a) *Compliance with all provisions of s. 381.003 relating to communicable disease and AIDS prevention and control;*

(b) *Compliance with all provisions of s. 381.0031 relating to reporting of diseases of public health significance to the department;*

(c) *Compliance with all provisions of s. 381.0098 relating to biomedical waste;*

(d) *Compliance with all Occupational Safety and Health Administration standards for management, handling, and disposal of sharps; and*

(e) *Completion of and compliance with the Centers for Disease Control Influenza Update for the year in which influenza vaccinations will be offered.*

The pharmacist's certification must be obtained prior to advertising to the public and administering inactivated influenza vaccinations. The pharmacist shall submit to the Board of Pharmacy a copy of the protocol or written agreement to administer inactivated influenza vaccine.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: amending s. 465.003, F.S.; redefining the term "practice of the profession of pharmacy" to include the administering of influenza virus immunizations to adults by a pharmacist within an established protocol and under a supervisory practitioner who is a licensed physician or by written agreement with a county health department; providing requirements for the protocol; requiring professional liability insurance, training and certification in immunization, and employer approval before entering into a protocol; requiring a pharmacist to maintain and make available patient records for a certain time period; providing requirements for the certification program;

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (582362)—On page 1, delete line 30 and insert:

(2) Twelve members of the board must be licensed

MOTION

On motion by Senator Jones, the rules were waived to allow the following amendments to be considered:

Senator Jones moved the following amendments which were adopted by two-thirds vote:

Amendment 3 (430694)—On page 6, between lines 3 and 4, insert:

Section 6. Subsection (4) of section 456.041, Florida Statutes, is amended to read:

456.041 Practitioner profile; creation.—

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, a statement of how the practitioner has elected to comply with the financial responsibility requirements of s. 458.320 or s. 459.0085. The department shall include, with respect to practitioners subject to s. 456.048, a statement of how the practitioner has elected to comply with the financial responsibility requirements of that section. The department shall include, with respect to practitioners licensed under chapter 461, information relating to liability actions which has been reported under s. 456.049 or s. 627.912 within the previous 10 years for any paid claim that exceeds \$5,000. The department shall include, with respect to practitioners licensed under chapter 458 or chapter 459, information relating to liability actions which has been reported under ss. 456.049 and 627.912 ~~within the previous 10 years for any paid claim that exceeds \$100,000~~. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other practitioners within the same specialty, or profession if the practitioner is not a specialist. The department must provide a hyperlink in such practitioner's profile to all such comparison reports. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the practitioner. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(Redesignate subsequent sections.)

Amendment 4 (302640)—On page 6, between lines 3 and 4, insert:

Section 6. Paragraph (f) of subsection (5) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) do not apply to:

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding \$25,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of \$500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, constitutes action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with this paragraph.

7. The licensee must submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee must, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph must post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *and on each visit* ~~or~~ provide a written statement to any person to whom medical services are being provided. The sign or statement must read as follows: "Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law."

Section 7. Paragraph (f) of subsection (5) of section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) do not apply to:

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding \$25,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of \$500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative

charges against the osteopathic physician's license, constitutes action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with this paragraph.

7. The licensee must submit biennially to the department a certification stating compliance with this paragraph. The licensee must, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph must post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *and on each visit* ~~or~~ provide a written statement to any person to whom medical services are being provided. The sign or statement must read as follows: "Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law."

(Redesignate subsequent sections.)

On motion by Senator Campbell, **CS for SB 1180** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1098—A bill to be entitled An act relating to public-records exemptions; amending s. 39.202, F.S.; creating an exception to the exemption from public-records requirements for all records held by the Department of Children and Family Services concerning reports of child abandonment, abuse, or neglect; amending s. 39.0132, F.S.; creating an exemption from public-records requirements for information obtained by a guardian ad litem in the discharge of his or her official duty; providing an exception to the exemption; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; amending s. 119.07, F.S.; creating an exemption from public-records requirements for certain identification and location information regarding a current or former guardian ad litem or the spouse and children of the guardian ad litem; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Smith, **CS for SB 1098** as amended was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Atwater	Bullard
Argenziano	Baker	Campbell
Aronberg	Bennett	Carlton

Clary	Hill	Pruitt
Constantine	Jones	Rich
Crist	King	Saunders
Dawson	Klein	Sebesta
Diaz de la Portilla	Lawson	Siplin
Dockery	Lynn	Smith
Fasano	Margolis	Villalobos
Garcia	Miller	Webster
Geller	Peaden	Wilson
Haridopolos	Posey	Wise

Nays—None

Consideration of **CS for CS for SB 1766**, **CS for SB 1344** and **CS for SB 2432** was deferred.

On motion by Senator Campbell, by unanimous consent—

CS for CS for SB 2498—A bill to be entitled An act relating to warranty associations; amending s. 634.271, F.S.; providing an exemption from penalty provisions for certain service warranties; providing actual damages and costs for violations for which such statutory penalties do not apply; providing retroactive applicability; amending s. 634.401, F.S.; redefining the term “service warranty”; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Campbell, **CS for CS for SB 2498** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 69—A bill to be entitled An act relating to fire prevention and control; providing a popular name; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Reporting Program within the Division of State Fire Marshal; providing program requirements; providing duties of the division relating to the program; creating the Fire and Emergency Incident Information System Technical Advisory Panel within the division; providing for membership and duties of the panel; requiring the division to adopt certain rules; amending s. 633.171, F.S.; providing definitions; providing criminal penalties for initiating a pyrotechnic display in certain structures under certain circumstances; providing exceptions; providing construction; providing application; amending s. 633.821, F.S.; providing additional criteria for certain rules of the Division of State Fire Marshal; requiring the division to adopt rules relating to live fire training; providing requirements; providing for such rules to take effect; requiring state certification as an instructor for certain training after a certain date; providing an exception from application to certain wildland or prescribed live-fire training exercises; amending s. 932.7055, F.S.; providing that proceeds from the sale of certain forfeited property be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 69** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 75—A bill to be entitled An act relating to title insurance; amending ss. 624.608 and 627.7711, F.S.; revising the definitions of title insurance and related and primary title services; amending s. 627.7845, F.S.; revising requirements for title insurers to issue title insurance; revising requirements for title insurers to preserve and retain certain evidence of searches and examinations; requiring the Office of Insurance Regulation to approve title insurance forms and rates for certain title insurance; providing effective dates.

—was read the third time by title.

On motion by Senator Wise, **HB 75** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 151—A bill to be entitled An act relating to the Access to Health Care Act; amending s. 766.1115, F.S.; revising a definition of low-income person to expand a poverty level family income criterion; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 151** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett

Bullard	Geller	Posey	Garcia	Lynn	Sebesta
Campbell	Haridopolos	Pruitt	Geller	Margolis	Siplin
Carlton	Hill	Rich	Haridopolos	Miller	Smith
Clary	Jones	Saunders	Hill	Peaden	Villalobos
Constantine	King	Sebesta	Jones	Posey	Webster
Crist	Klein	Siplin	King	Pruitt	Wilson
Dawson	Lawson	Smith	Klein	Rich	Wise
Diaz de la Portilla	Lynn	Villalobos	Lawson	Saunders	
Dockery	Margolis	Webster	Nays—None		
Fasano	Miller	Wilson	Vote after roll call:		
Garcia	Peaden	Wise	Yea—Crist		
Nays—None					

HB 189—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities within the purview of the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; creating s. 400.6051, F.S.; requiring that construction standards for hospice facilities be in compliance with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 189** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 319—A bill to be entitled An act relating to the Freedom to Worship Safely Act; providing a popular name; creating s. 775.0861, F.S.; providing definitions; providing for the upgrading of the degree of an offense that involves the use or threat of physical force or violence if the offense is committed on the property of a religious institution while the victim is on the property for the purpose of participating in or attending a religious service; providing for severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **HB 319** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Bennett	Constantine
Argenziano	Bullard	Dawson
Aronberg	Campbell	Diaz de la Portilla
Atwater	Carlton	Dockery
Baker	Clary	Fasano

HB 71—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term “conviction”; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for impoundment of vehicles used in violation of motor vehicle speed competition provisions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 71** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 509—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a popular name; amending s. 218.72, F.S.; redefining terms used in pt. VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing exceptions; creating s. 255.0705, F.S.; providing a popular name; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment due dates; authorizing the collection of interest under certain circumstances; providing for an award of court costs and attorney’s fees; providing for project closeout and payment of retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant’s institution of certain actions against a contractor or surety; amending s. 287.0585, F.S.; providing an exemption for contractors making late payment to subcontractors when the contract is subject to the “Prompt Payment Act”; amending s. 95.11, F.S., to conform a cross reference; providing that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 509** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

Consideration of **HB 523** was deferred.

HB 1417—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.013, F.S.; revising requirements to be entitled to take the licensure examination to practice in this state as a surveyor and mapper; amending s. 472.015, F.S.; authorizing certain photogrammetrists to qualify for a license by endorsement; amending s. 472.021, F.S.; revising liability of partnerships and other business entities rendering professional surveying and mapping services; amending s. 472.005, F.S.; providing a definition of “photogrammetrist”; amending s. 472.007, F.S.; conforming a provision to the definition of photogrammetrist; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **HB 1417** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 567—A bill to be entitled An act relating to alternative plans review and inspection; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspec-

tion records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 468.621, F.S.; revising a ground for taking certain disciplinary actions; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 567** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Consideration of **HB 989** was deferred.

HB 499—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; requiring property appraisers to physically inspect property every 5 years for certain purposes; amending s. 193.501, F.S.; revising a definition; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 499** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

Vote after roll call:

Yea—Crist

On motion by Senator Miller, by unanimous consent—

HB 449—A bill to be entitled An act relating to a public records exemption; amending s. 1004.43, F.S.; expanding the public records exemption for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the H. Lee Moffitt

Cancer Center and Research Institute and its subsidiaries relating to trade secrets; expanding the exemption to include information received from an agency in this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Miller, **HB 449** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

RECONSIDERATION OF BILL

On motion by Senator Saunders, the Senate reconsidered the vote by which—

CS for SB 1180—A bill to be entitled An act relating to medical regulatory boards; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; providing for applicability; amending s. 458.311, F.S.; providing for an externship; amending ss. 458.331 and 459.015, F.S.; providing for membership on certain probable cause panels; providing that a practitioner licensed in ch. 458, F.S., may use as a defense that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer and that the practitioner had no intent to violate the law; requiring the Department of Health to notify health care providers if the department learns that a drug that has not been approved by the United States Food and Drug Administration for human use has been sold to identified health care providers in this state; providing an effective date.

—as amended passed this day.

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment which was adopted by two-thirds vote:

Amendment 5 (570714)(with title amendment)—On page 6, between lines 3 and 4, insert:

Section 6. Subsection (3) of section 458.348, Florida Statutes, is amended to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(3) **PROTOCOLS REQUIRING DIRECT SUPERVISION.**—All protocols relating to electrolysis or electrology using laser or light-based

hair removal or reduction by persons other than physicians licensed under this chapter or chapter 459 shall require the person performing such service to be appropriately trained and work only under the direct supervision and responsibility of a physician licensed under this chapter or chapter 459. *A licensed advanced registered nurse practitioner or physician assistant practicing under a protocol with a physician licensed under chapter 458 or chapter 459 shall not be required to obtain licensure as an electrologist in order to perform laser or light-based hair removal procedures.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to the regulation of health professionals; amending s. 458.348, F.S.; providing that a licensed advanced registered nurse practitioner, or physician assistant, practicing under a protocol with a physician licensed under ch. 458, F.S., or ch. 459, F.S., need not be a licensed electrologist to perform certain hair removal procedures;

On motion by Senator Saunders, **CS for SB 1180** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Hill	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

The Senate resumed consideration of—

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of “rental company” for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Campbell, further consideration of **CS for SB 1030** as amended was deferred.

HB 523—A bill to be entitled An act relating to evidence; repealing s. 90.602, F.S., relating to testimony of interested persons regarding oral communication with a deceased or mentally incompetent person; amending s. 90.804, F.S.; providing a hearsay exception in specified actions or proceedings for a statement made by a declarant who is unavailable due to death, illness, or infirmity regarding the same subject matter as a statement made by the declarant that was previously offered by an adverse party and admitted; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **HB 523** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett

Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for CS for SB 2176—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing

limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to furnish certain voter information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; conforming a cross-reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change or residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.08, F.S.; providing for contribution limits to statewide candidates; amending s. 106.34, F.S.; revising the method of calculating a candidate's expenditures if such candidate is requesting contributions from the Election Campaign Financing Trust Fund; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; providing the method of qualifying for nomination or election to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; amending s. 106.33, F.S.; increasing certain campaign contribution limits; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 17 (563162)** by Senator Margolis and pending substitute **Amendment 18 (825468)** by Senator Klein failed.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for CS for SB 2176** to **HB 1589**.

Pending further consideration of **CS for CS for SB 2176** as amended, on motion by Senator Posey, by two-thirds vote **HB 1589** was withdrawn

from the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

On motion by Senator Posey—

HB 1589—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Florida Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; providing rulemaking authority to make forms available in alternative formats and via the Internet; removing a cross reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising requirements for the contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibil-

ity; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to establish and maintain a statewide voter registration database and provide such database to the Legislature; specifying the required contents of the database; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; correcting a cross reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; correcting a cross reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change of residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.0705, F.S.; providing for the timely filing of certain reports; amending s. 106.34, F.S.; revising provisions relating to certain candidate expenditure limits; providing a definition; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; revising provisions relating to the method of qualifying for nomination to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2176** as amended and read the second time by title.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which was adopted:

Amendment 1 (403032)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (2), and (11) of section 97.012, Florida Statutes, are amended, and subsection (14) is added to that section, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(1) Obtain and maintain uniformity in the ~~application, operation, and interpretation and implementation of the election laws. In order to obtain and maintain uniformity in the interpretation and implementation of the elections laws, the Department of State may, pursuant to ss. 120.536(1) and 120.54, adopt by rule uniform standards for the proper and equitable interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Election Code.~~

(2) Provide uniform standards for the proper and equitable implementation of the registration laws by administrative rule of the Department of State adopted pursuant to ss. 120.536(1) and 120.54.

(11) Create and administer ~~maintain~~ a statewide voter registration system as required by the Help America Vote Act of 2002 ~~database~~. The secretary may delegate voter registration duties and records maintenance activities to voter registration officials. Any responsibilities delegated by the secretary shall be performed in accordance with state and federal law.

(14) Bring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties of a county supervisor of elections or any official performing duties with respect to chapters 97 through 102 and 105 or to enforce compliance with a rule of the Department of State adopted to interpret or implement any of those chapters.

(a) Venue for such actions shall be in the Circuit Court of Leon County.

(b) When the secretary files an action under this section and not more than 60 days remain before an election as defined in s. 97.021, or during the time period after the election and before certification of the election pursuant to s. 102.112 or s. 102.121, the court, including an appellate court, shall set an immediate hearing, giving the case priority over other pending cases.

(c) Prior to filing an action to enforce performance of the duties of the supervisor of elections or any official described in this subsection, the secretary or his or her designee first must confer, or must make a good-faith attempt to confer, with the supervisor of elections or the official to ensure compliance with chapters 97 through 102 and 105 or the rules of the Department of State adopted under any of those chapters.

Section 2. Subsection (13) of section 97.021, Florida Statutes, is amended, present subsections (38) and (39) are renumbered as subsections (39) and (40), respectively, and a new subsection (38) is added to that section, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(13) “Lists of registered electors” means ~~names and associated information copies of printed lists of registered electors maintained by the department in the statewide voter registration system or generated or derived from the statewide voter registration system. Lists may be produced in printed or electronic format, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records.~~

(38) “Voter registration official” means any supervisor of elections or individual authorized by the Secretary of State to accept voter registration applications and execute updates to the statewide voter registration system.

Section 3. Section 97.026, Florida Statutes, is amended to read:

97.026 Forms to be available in alternative formats and via the Internet.—It is the intent of the Legislature that all forms required to be used in chapters 97-106 shall be made available upon request, in alternative formats. Such forms shall include absentee ballots as alternative formats for such ballots become available and the Division of Elections is able to certify systems that provide them. *The department may, pursuant to ss. 120.536(1) and 120.54, adopt rules to administer this section.* Whenever possible, such forms, with the exception of absentee ballots, shall be made available by the Department of State via the Internet. Sections that contain such forms include, but are not limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583, 97.071, 97.073, 97.1031, ~~98.055~~, 98.075, 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and 106.087.

Section 4. Section 97.051, Florida Statutes, is amended to read:

97.051 Oath upon registering.—A person registering to vote must subscribe to the following oath: “I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that *all information provided in this application is true* ~~I am a citizen of the United States and a legal resident of Florida.~~”

Section 5. Section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(1) The department shall prescribe by rule a uniform statewide voter registration application for use in this state.

(a) The uniform statewide voter registration application must be accepted for any one or more of the following purposes:

1. Initial registration.
2. Change of address.
3. Change of party affiliation.
4. Change of name.
5. Replacement of a voter information ~~registration—identification~~ card.
6. Signature update.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the Federal Election Assistance Commission pursuant to federal law ~~the National Voter Registration Act of 1993~~. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote or update a voter registration record.
2. Individuals or groups conducting voter registration programs. A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.
3. The Department of Highway Safety and Motor Vehicles.
4. Voter registration agencies.
5. Armed forces recruitment offices.
6. Qualifying educational institutions.
7. Supervisors, who must make the applications and forms available in the following manner:

a. By distributing the applications and forms in their offices to any individual or group.

b. By distributing the applications and forms at other locations designated by each supervisor.

c. By mailing the applications and forms to applicants upon the request of the applicant.

(c) The uniform statewide voter registration application may be reproduced by any private individual or group, provided the reproduced application is in the same format as the application prescribed by rule under this section.

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

- (a) Last, first, and middle ~~Full~~ name, including any suffix.
- (b) Date of birth.
- (c) Address of legal residence.

- (d) Mailing address, if different.
- (e) County of legal residence.
- ~~(f) Address of property for which the applicant has been granted a homestead exemption, if any.~~

~~(f)(g)~~ Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.
2. Asian or Pacific Islander.
3. Black, not Hispanic.
4. White, not Hispanic.
5. Hispanic.

~~(g)(h)~~ State or country of birth.

~~(h)(i)~~ Sex.

~~(i)(j)~~ Party affiliation.

~~(j)(k)~~ Whether the applicant needs assistance in voting.

~~(k)(l)~~ Name and address where last registered.

~~(l)(m)~~ Last four digits of the applicant's social security number.

~~(m)(n)~~ Florida driver's license number or the identification number from a Florida identification card issued under s. 322.051.

(n) An indication, if applicable, that the applicant has not been issued a Florida driver's license, a Florida identification card, or a social security number.

(o) Telephone number (optional).

(p) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(q) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement voter information registration identification card.

(r) Whether the applicant is a citizen of the United States *by asking the question "Are you a citizen of the United States of America?" and providing boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.*

(s) ~~Whether That~~ the applicant has ~~not~~ been convicted of a felony, ~~and or~~, if convicted, has had his or her civil rights restored *by including the statement "I affirm I am not a convicted felon or, if I am, my rights relating to voting have been restored." and providing a box for the applicant to check to affirm the statement.*

(t) ~~Whether That~~ the applicant has ~~not~~ been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored *by including the statement "I affirm I have not been adjudicated mentally incapacitated with respect to voting or, if I have, my competency has been restored." and providing a box for the applicant to check to affirm the statement.*

The registration application ~~form~~ must be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

(d) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.

(e) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

~~(f) A statement that informs the applicant that any person who has been granted a homestead exemption in this state, and who registers to vote in any precinct other than the one in which the property for which the homestead exemption has been granted, shall have that information forwarded to the property appraiser where such property is located, which may result in the person's homestead exemption being terminated and the person being subject to assessment of back taxes under s. 193.092, unless the homestead granted the exemption is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere.~~

~~(f)(g)~~ A statement informing ~~an~~ the applicant *who has not been issued a Florida driver's license, a Florida identification card, or a social security number* that if the application ~~form~~ is submitted by mail and the applicant is registering for the first time *in this state*, the applicant will be required to provide identification prior to voting the first time.

(4) A supervisor may produce a voter registration application that has the supervisor's direct mailing address if the department has reviewed the application and determined that it is substantially the same as the uniform statewide voter registration application.

(5) The voter registration application form prescribed by the Federal Election Assistance Commission pursuant to ~~federal law the National Voter Registration Act of 1993~~ or the federal postcard application must be accepted as an application for registration in this state if the completed application or postcard application contains the information required by the constitution and laws of this state.

(6) If a voter registration applicant fails to provide any of the required information on the voter registration application form, the supervisor shall notify the applicant of the failure by mail within 5 business days after the supervisor has the information available in the voter registration system. The applicant shall have an opportunity to complete the application form to vote in the next election up until the book closing for that next election.

Section 6. Section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(1) Voter registration applications, changes in registration, and requests for a replacement voter information registration identification card must be accepted in the office of any supervisor, the division, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.

~~(2) A completed voter registration application is complete and that contains the information necessary to establish an applicant's eligibility pursuant to s. 97.041 becomes the official voter registration record of that applicant when all information necessary to establish the applicant's eligibility pursuant to s. 97.041 is received by a voter registration official and verified pursuant to subsection (6) the appropriate supervisor. If the applicant fails to complete his or her voter registration application prior to the date of book closing for an election, then such applicant shall not be eligible to vote in that election.~~

(3) The registration date for a valid initial voter registration application that has been hand delivered is the date *that the application is when* received by a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state.

(4) The registration date for a valid initial voter registration application that has been mailed *to a driver license office, a voter registration*

agency, an armed forces recruitment office, the division, or the office of any supervisor in the state and bears a clear postmark is the date of that the postmark. If an initial voter registration application that has been mailed does not bear a postmark or if the postmark is unclear, the registration date is the date the application registration is received by any supervisor or the division, unless it is received within 5 days after the closing of the books for an election, excluding Saturdays, Sundays, and legal holidays, in which case the registration date is the book-closing date.

(5)(a) A voter registration application is complete if it contains the following information necessary to establish the applicant's eligibility pursuant to s. 97.041, including:

1. The applicant's name.
2. The applicant's legal residence address.
3. The applicant's date of birth.
4. A mark in the checkbox affirming ~~An indication~~ that the applicant is a citizen of the United States.

5.a. The applicant's current and valid Florida driver's license number or; the identification number from a Florida identification card issued under s. 322.051, or

b. If the applicant has not been issued a current and valid Florida driver's license or a Florida identification card, the last four digits of the applicant's social security number.

In case an applicant has not been issued a current and valid Florida driver's license, Florida identification card, or social security number, the applicant shall affirm this fact in the manner prescribed in the uniform statewide voter registration application.

6. A mark in the checkbox affirming ~~An indication~~ that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

7. A mark in the checkbox affirming ~~An indication~~ that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. The original signature or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

(6) A voter registration application may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed voter registration application has been received by the book-closing deadline but the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified prior to the applicant presenting himself or herself to vote, the applicant shall be provided a provisional ballot. The provisional ballot shall be counted only if the application is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor of elections sufficient to verify the authenticity of the driver's license number, Florida identification card number, or last four digits of the social security number provided on the application no later than 5 p.m. of the third day following the election.

(7) All voter registration applications received by a voter registration official shall be entered into the statewide voter registration system within 15 days after receipt. Once entered, the application shall be immediately forwarded to the appropriate supervisor of elections.

Section 7. Subsections (1), (2), and (3) of section 97.0535, Florida Statutes, are amended to read:

97.0535 Special requirements for certain applicants.—

(1) Each applicant who registers by mail and who has never previously voted in the state and who the department has verified has not been issued a current and valid Florida driver's license, Florida identification card, or social security number ~~county~~ shall be required to provide a copy of a current and valid identification, as provided in subsection (3), or indicate that he or she is exempt from the requirements prior to voting. ~~Such The applicant may provide the identification or indication may be provided at the time of registering, or at any time prior to voting for the first time in the state county. If the voter registration application clearly provides information from which a voter registration official the supervisor can determine that the applicant meets at least one of the exemptions in subsection (4), the voter registration official supervisor shall make the notation on the registration records of the statewide voter registration system and the applicant shall not be required to provide the identification required by this section further information that is required of first-time voters who register by mail.~~

(2) The voter registration official ~~supervisor of elections~~ shall, upon accepting the voter registration application submitted pursuant to subsection (1) ~~for an applicant who registered by mail and who has not previously voted in the county, determine if the applicant provided the required identification at the time of registering. If the required identification was not provided, the supervisor shall notify the applicant that he or she must provide the identification prior to voting the first time in the state county.~~

(3)(a) The following forms of identification shall be considered current and valid if they contain the name and photograph of the applicant and have not expired:

- ~~1. Florida driver's license.~~
- ~~2. Florida identification card issued by the Department of Highway Safety and Motor Vehicles.~~
- 1.3. United States passport.
- 2.4. Employee badge or identification.
- 3.5. Buyer's club identification.
- 4.6. Debit or credit card.
- 5.7. Military identification.
- 6.8. Student identification.
- 7.9. Retirement center identification.
- 8.10. Neighborhood association identification.
- ~~11. Entertainment identification.~~
- 9.12. Public assistance identification.

(b) The following forms of identification shall be considered current and valid if they contain the name and current residence address of the applicant:

1. Utility bill.
2. Bank statement.
3. Government check.
4. Paycheck.
5. Other government document (excluding voter identification card).

Section 8. Subsection (1) of section 97.055, Florida Statutes, is amended to read:

97.055 Registration books; when closed for an election.—

(1) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. When the registration

books are closed for an election, *only updates to a voter's name, address, and signature pursuant to ss. 98.077 and 101.045 will be permitted for purposes of the upcoming election.* Voter registration applications and party changes must be accepted but only for the purpose of subsequent elections. However, party changes received between the book-closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.

Section 9. Section 97.057, Florida Statutes, is amended to read:

97.057 Voter registration by the Department of Highway Safety and Motor Vehicles.—

(1) The Department of Highway Safety and Motor Vehicles shall provide the opportunity to register to vote or to update a voter registration record to each individual who comes to an office of that department to:

- (a) Apply for or renew a driver's license;
- (b) Apply for or renew an identification card pursuant to chapter 322; or
- (c) Change an address on an existing driver's license or identification card.

(2) The Department of Highway Safety and Motor Vehicles shall:

- (a) Notify each individual, orally or in writing, that:

1. Information gathered for the completion of a driver's license or identification card application, renewal, or change of address can be automatically transferred to a voter registration application;

2. If additional information and a signature are provided, the voter registration application will be completed and sent to the proper election authority;

3. Information provided can also be used to update a voter registration record;

4. All declinations will remain confidential and may be used only for voter registration purposes; and

5. The particular driver license office in which the person applies to register to vote or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(b) Require a driver's license examiner to inquire orally; or, *if the applicant is hearing impaired, inquire in writing if the applicant is hearing impaired, and whether the applicant wishes to register to vote or update a voter registration record during the completion of a driver's license or identification card application, renewal, or change of address.*

1. If the applicant chooses to register to vote or to update a voter registration record:

a. All applicable information received by the Department of Highway Safety and Motor Vehicles in the course of filling out the forms necessary under subsection (1) must be transferred to a voter registration application.;

b. The additional necessary information must be obtained by the driver's license examiner and must not duplicate any information already obtained while completing the forms required under subsection (1).; ~~and~~

c. A voter registration application with all of the applicant's voter registration information *required to establish the applicant's eligibility pursuant to s. 97.041* must be presented to the applicant to review and verify the voter registration information received and provide an electronic signature affirming the accuracy of the information provided sign.

2. If the applicant declines to register to vote, update the applicant's voter registration record, or change the applicant's address by either orally declining or by failing to sign the voter registration application, the Department of Highway Safety and Motor Vehicles must *note such declination on its records and shall forward the declination to the statewide voter registration system keep the declination for 2 years but must*

~~forward a copy of the unsigned voter registration application within 5 days after receipt to the appropriate supervisor of elections.~~

(3) For the purpose of this section, the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, shall prescribe:

(a) A voter registration application that is the same in content, format, and size as the uniform statewide voter registration application prescribed under s. 97.052; and

(b) A form that will inform applicants under subsection (1) of the information contained in paragraph (2)(a).

(4) The Department of Highway Safety and Motor Vehicles must *electronically transmit forward* completed voter registration applications within 24 hours after receipt to the statewide voter registration system. *Completed paper voter registration applications received by the Department of Highway Safety and Motor Vehicles shall be forwarded within 5 days after receipt to the supervisor of the county where the office that processed or received that application is located.*

(5) The Department of Highway Safety and Motor Vehicles must send, with each driver's license renewal extension application authorized pursuant to s. 322.18(8), a uniform statewide voter registration application, the voter registration application prescribed under paragraph (3)(a), or a voter registration application developed especially for the purposes of this subsection by the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, which must meet the requirements of s. 97.052.

(6) A person providing voter registration services for a driver license office may not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display any political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(d) Disclose any applicant's voter registration information except as needed for the administration of voter registration.

~~(7) The Department of Highway Safety and Motor Vehicles shall compile lists, by county, of those individuals whose names have been purged from its driver's license database because they have been licensed in another state and shall provide those lists annually to the appropriate supervisors.~~

(7)(8) The Department of Highway Safety and Motor Vehicles shall collect data determined necessary by the Department of State for program evaluation and reporting to the Federal Election Assistance Commission pursuant to federal law ~~the National Voter Registration Act of 1993.~~

(8)(9) The Department of Highway Safety and Motor Vehicles must ensure that all voter registration services provided by driver license offices are in compliance with the Voting Rights Act of 1965.

(9) *The Department of Highway Safety and Motor Vehicles shall retain complete records of voter registration information received, processed, and submitted to the statewide voter registration system by the Department of Highway Safety and Motor Vehicles. These records shall be for the explicit purpose of supporting audit and accounting controls established to ensure accurate and complete electronic transmission of records between the statewide voter registration system and the Department of Highway Safety and Motor Vehicles.*

(10) *The department shall provide the Department of Highway Safety and Motor Vehicles with an electronic database of street addresses valid for use as the legal residence address as required in s. 97.053(5). The Department of Highway Safety and Motor Vehicles shall compare the address provided by the applicant against the database of valid street addresses. If the address provided by the applicant does not match a valid street address in the database, the applicant will be asked to verify the address provided. The Department of Highway Safety and Motor*

Vehicles shall not reject any application for voter registration for which a valid match cannot be made.

(11) *The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the department to match information in the statewide voter registration system with information in the database of the Department of Highway Safety and Motor Vehicles to the extent required to verify the accuracy of the driver's license number, Florida identification number, or last four digits of the social security number provided on applications for voter registration as required in s. 97.053.*

(12) *The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the Commissioner of Social Security as required by the Help America Vote Act of 2002 to verify the last four digits of the social security number provided in applications for voter registration as required in s. 97.053.*

Section 10. Subsections (6), (7), and (9) of section 97.058, Florida Statutes, are amended to read:

97.058 Voter registration agencies.—

(6) A voter registration agency must forward *all* completed and incomplete voter registration applications within 5 days after receipt to the supervisor of the county where the agency that processed or received that application is located.

(7) A voter registration agency must retain declinations for a period of 2 years, during which time the declinations are not considered a record of the client pursuant to the laws governing the agency's records. ~~However, a voter registration agency must forward a copy of each incomplete voter registration application within 5 days after receipt to the appropriate supervisor of elections.~~

(9) A voter registration agency must collect data determined necessary by the department, *as provided by rule*, for program evaluation and reporting to the Federal Election Assistance Commission pursuant to ~~federal law the National Voter Registration Act of 1993.~~

Section 11. Section 97.061, Florida Statutes, is amended to read:

97.061 Special registration for electors requiring assistance.—

(1) Any person who is eligible to register and who is unable to read or write or who, because of some disability, needs assistance in voting shall upon that person's request be registered by the supervisor under the procedure prescribed by this section and shall be entitled to receive assistance at the polls under the conditions prescribed by this section. *The department may adopt rules to administer this section.*

(2) If a person is qualified to register pursuant to this section, the voter registration official supervisor shall note in that person's registration record that the person needs assistance in voting.

(3) *The precinct register generated by the supervisor shall contain. Upon registering any person pursuant to this section, the supervisor must make a notation on the registration books or records which are delivered to the polls on election day that such person is eligible for assistance in voting, and the supervisor may issue such person a special registration identification card or make a some notation on the voter information regular registration identification card that such person is eligible for assistance in voting. Such person shall be entitled to receive the assistance of two election officials or some other person of his or her own choice, other than the person's employer, the agent of the person's employer, or an officer or agent of the person's union, without the necessity of executing the "Declaration to Secure Assistance" prescribed in s. 101.051. Such person shall notify the supervisor of any change in his or her condition which makes it unnecessary for him or her to receive assistance in voting.*

Section 12. Section 97.071, Florida Statutes, is amended to read:

97.071 Voter information ~~Registration identification card.~~—

(1) A voter information registration identification card shall must be furnished by the supervisor to all registered voters residing in the supervisor's county. *The card registering under the permanent single registration system and must contain:*

- (a) Voter's registration number.
- (b) Date of registration.
- (c) Full name.
- (d) Party affiliation.
- (e) Date of birth.
- ~~(f) Race or ethnicity, if provided by the applicant.~~
- ~~(g) Sex, if provided by the applicant.~~
- ~~(f)(h)~~ Address of legal residence.
- ~~(g)(i)~~ Precinct number.
- ~~(h)(j)~~ Name of supervisor and contact information of supervisor.
- ~~(k) Place for voter's signature.~~
- ~~(i)(4)~~ Other information deemed necessary by the supervisor department.

(2) A voter may receive a replacement voter information ~~of a registration identification card~~ by providing a signed, written request for a replacement card to a voter registration official the supervisor. Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

(3) In the case of a change of name, address, or party affiliation, the supervisor shall must issue the voter a new voter information registration identification card. However, a voter information registration identification card indicating a party affiliation change made between the book-closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.

Section 13. Section 97.073, Florida Statutes, is amended to read:

97.073 Disposition of voter registration applications; cancellation notice.—

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application. The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A voter information registration identification card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the supervisor must request that the applicant supply the missing information using a voter registration application signed by the applicant in writing and sign a statement that the additional information is true and correct. A notice of denial must inform the applicant of the reason the application was denied.

(2) Within 2 weeks after approval of a voter registration application that indicates that the applicant was previously registered in another state jurisdiction, the department supervisor must notify the registration official in the prior state jurisdiction that the applicant is now registered in this state the supervisor's county.

Section 14. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence ~~within the same county,~~ change of name, or change of party affiliation.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must provide notification of such move to the supervisor of elections of that county. The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic means. However, notification of such move other than by signed, written notice must include the elector's date of birth. *An elector may also provide notification to other voter registration officials as provided in subsection (2).* A voter information registration identification card reflecting the new information address of legal residence shall be issued to the elector as provided in subsection (3)(4).

(2) When an elector moves from the address named on that person's voter registration record to another address in a different county but

within the state, the elector seeks to change party affiliation, or the name of an elector is changed by marriage or other legal process, the elector shall ~~must~~ provide notice a signed, written notification of such change to a voter registration official using a voter registration application signed by the elector. A voter information the supervisor and obtain a registration identification card reflecting the new information shall be issued to the elector as provided in subsection (3) name.

~~(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to the supervisor and obtain a registration identification card reflecting the new party affiliation, subject to the issuance restriction in s. 97.071(3).~~

(3)(4) The voter registration official supervisor shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation. The supervisor of elections and shall issue the new voter information registration identification card as required by s. 97.071(3).

Section 15. Section 97.105, Florida Statutes, is amended to read:

97.105 Permanent single registration system established.—A permanent single registration system for the registration of electors to qualify them to vote in all elections is provided for the several counties and municipalities. This system shall be put into use by all municipalities and shall be in lieu of any other system of municipal registration. Electors shall be registered pursuant to in pursuance of this system by a voter registration official the supervisor or by a deputy supervisor, and electors registered shall not thereafter be required to register or reregister except as provided by law.

Section 16. Subsections (3), (10), and (11) of section 98.015, Florida Statutes, are amended, and subsection (12) is added to that section, to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—

(3) The supervisor shall update voter registration information, enter new voter registrations into the statewide voter registration system, and act as is the official custodian of documents received by the supervisor related to the registration of electors and changes in voter registration status of electors of the supervisor's county the registration books and has the exclusive control of matters pertaining to registration of electors.

(10) Each supervisor shall ~~must~~ ensure that all voter registration and list maintenance procedures conducted by such supervisor are in compliance with any applicable requirements prescribed by rule of the department through the statewide voter registration system or prescribed by for that county under the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Help America Vote Act of 2002.

(11) Each supervisor shall ensure that any voter registration system used by the supervisor for administering his or her duties as a voter registration official complies with the specifications and procedures established by rule of the department and the statewide voter registration system. Each supervisor of elections shall forward to the property appraiser for the county in which the homestead is claimed the name of the person and the address of the homestead of each person who registers to vote at an address other than that at which the person claims a homestead exemption, as disclosed on the uniform statewide voter registration application pursuant to s. 97.052.

(12) Each supervisor shall maintain a list of valid residential street addresses for purposes of verifying the legal addresses of voters residing in the supervisor's county. The supervisor shall make all reasonable efforts to coordinate with county 911 service providers, property appraisers, the United States Postal Service, or other agencies as necessary to ensure the continued accuracy of such list. The supervisor shall provide the list of valid residential addresses to the statewide voter registration system in the manner and frequency specified by rule of the department.

Section 17. Section 98.035, Florida Statutes, is created to read:

98.035 Statewide voter registration system; implementation, operation, and maintenance.—

(1) The Secretary of State, as chief election officer of the state, shall be responsible for implementing, operating, and maintaining, in a uni-

form and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration system as required by the Help America Vote Act of 2002. The department may adopt rules to administer this section.

(2) The statewide voter registration system must contain the name and registration information of every legally registered voter in the state. All voters shall be assigned a unique identifier. The system shall be the official list of registered voters in the state and shall provide secured access by authorized voter registration officials. The system shall enable voter registration officials to provide, access, and update voter registration information.

(3) The department may not contract with any other entity for the operation of the statewide voter registration system.

(4) The implementation of the statewide voter registration system shall not prevent any supervisor of elections from acquiring, maintaining, or using any hardware or software necessary or desirable to carry out the supervisor's responsibilities related to the use of voter registration information or the conduct of elections, provided that such hardware or software does not conflict with the operation of the statewide voter registration system.

(5) The department may adopt rules governing the access, use, and operation of the statewide voter registration system to ensure security, uniformity, and integrity of the system.

Section 18. Section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(1) *ELIGIBILITY OF APPLICANT.*—The ~~Each~~ supervisor must ensure that any eligible applicant for voter registration is registered to vote and that each application for voter registration is processed in accordance with law. The supervisor shall determine whether a voter registration applicant is ineligible based on any of the following:

(a) The failure to complete a voter registration application as specified in s. 97.053.

(b) The applicant is deceased.

(c) The applicant has been convicted of a felony for which his or her civil rights have not been restored.

(d) The applicant has been adjudicated mentally incapacitated with respect to the right to vote and such right has not been restored.

(e) The applicant does not meet the age requirement pursuant to s. 97.041.

(f) The applicant is not a United States citizen.

(g) The applicant is a fictitious person.

(h) The applicant has provided an address of legal residence that is not his or her legal residence.

(i) The applicant has provided a driver's license number, Florida identification card number, or the last four digits of a social security number that is not verifiable by the department.

(2) *REMOVAL OF REGISTERED VOTERS.*—

(a) Once a voter is registered, the name of that voter may not be removed from the statewide voter registration system books except at the written request of the voter, by reason of the voter's conviction of a felony or adjudication as mentally incapacitated with respect to voting, by death of the voter, or pursuant to a registration list maintenance program or other registration list maintenance activity conducted pursuant to s. 98.065 or s. 98.075, or s. 98.0977.

(b)(2) Information received by a voter registration official supervisor from an election official in another state jurisdiction indicating that a registered voter in this state the supervisor's county has registered to vote in that other state jurisdiction shall be considered as a written request from the voter to have the voter's name removed from the statewide voter registration system books of the supervisor's county.

(3) **PUBLIC RECORDS ACCESS AND RETENTION.**—~~Notwithstanding the provisions of ss. 98.095 and 98.0977,~~ Each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065 and 98.075, ~~and 98.0977.~~ The records must include lists of the name and address of each person to whom a ~~an address confirmation final~~ notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public records requirements under this code.

(4) **STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL STREET ADDRESSES.**—

(a) The department shall compile and maintain a statewide electronic database of valid residential street addresses from the information provided by the supervisors of elections pursuant to s. 98.015. The department shall evaluate the information provided by the supervisors of elections to identify any duplicate addresses and any address that may overlap county boundaries.

(b) The department shall make the statewide database of valid street addresses available to the Department of Highway Safety and Motor Vehicles as provided in s. 97.057(10). The Department of Highway Safety and Motor Vehicles shall use the database for purposes of validating the legal residential addresses provided in voter registration applications received by the Department of Highway Safety and Motor Vehicles.

(5) **FORMS.**—The department may prescribe by rule forms necessary to conduct maintenance of records in the statewide voter registration system.

Section 19. Section 98.065, Florida Statutes, as amended by chapter 2002-281, Laws of Florida, is amended to read:

98.065 Registration list maintenance programs.—

(1) The supervisor must conduct a general registration list maintenance program to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records in the statewide voter registration system. The program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. As used in this subsection, the term “nondiscriminatory” applies to and includes persons with disabilities.

(2) A supervisor must incorporate one or more of the following procedures in the supervisor’s biennial registration list maintenance program under which:

(a) Change-of-address information supplied by the United States Postal Service through its licensees is used to identify registered voters whose addresses might have changed;

(b) Change-of-address information is identified from returned non-forwardable return-if-undeliverable mail sent to all registered voters in the county; or

(c) Change-of-address information is identified from returned non-forwardable return-if-undeliverable address confirmation requests mailed to all registered voters who have not voted in the last 2 years and who did not make a written request that their registration records be updated during that time.

(3) A registration list maintenance program must be conducted by each supervisor, at a minimum, in each odd-numbered year and must be completed not later than 90 days prior to the date of any federal election. *All list maintenance actions associated with each voter must be entered, tracked, and maintained in the statewide voter registration system.*

(4)(a) *If the supervisor receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, from the Department of Highway Safety and Motor Vehicles, or from other sources, which information indicates that the legal address of a registered voter might have changed, the supervisor shall send by forwardable return-if-undeliverable mail an address confirmation notice to the address at which the voter was last registered. A supervisor may also send an address confirmation notice to any voter who the supervisor has reason to believe has moved from his or her legal residence.*

(b) *The address confirmation notice shall contain a postage prepaid preaddressed return form on which:*

1. *If the voter has changed his or her address of legal residence to a location outside the state, the voter shall mark that the voter’s legal residence has changed to a location outside the state. The form shall also include information on how to register in the new state in order to be eligible to vote. The form must be returned within 30 days after the date of the notice. The completed form shall constitute a request to be removed from the statewide voter registration system.*

2. *If the voter has changed his or her address of legal residence to a location inside the state, the voter shall set forth the updated or corrected address and submit the return form within 30 days after the date of the notice. The completed form shall constitute a request to update the statewide voter registration system with the updated or corrected address information.*

3. *If the voter has not changed his or her address of legal residence as printed on the address confirmation notice, the voter shall confirm that his or her address of legal residence has not changed and submit the form within 30 days after the date of the notice.*

(c) *The supervisor must designate as inactive all voters who have been sent an address confirmation notice and who have not returned the postage prepaid preaddressed return form within 30 days or for which an address confirmation notice has been returned as undeliverable. Names on the inactive list may not be used to calculate the number of signatures needed on any petition. A voter on the inactive list may be restored to the active list of voters upon the voter updating his or her registration, requesting an absentee ballot, or appearing to vote. However, if the voter does not update his or her voter registration information, request an absentee ballot, or vote by the second general election after being placed on the inactive list, the voter’s name shall be removed from the statewide voter registration system and the voter shall be required to reregister to have his or her name restored to the statewide voter registration system.*

(5) *A notice may not be issued pursuant to this section and a voter’s name may not be removed from the statewide voter registration system later than 90 days prior to the date of a federal election. However, this section does not preclude the removal of the name of a voter from the statewide voter registration system at any time upon the voter’s written request, by reason of the voter’s death, or upon a determination of the voter’s ineligibility as provided in s. 98.075(7).*

(6)(a) *No later than July 31 and January 31 of each year, the supervisor must certify to the department the list maintenance activities conducted during the first 6 months and the second 6 months of the year, respectively, including the number of address confirmation requests sent, the number of voters designated as inactive, and the number of voters removed from the statewide voter registration system.*

(b) *If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not conducted the list maintenance activities required by this section, the department shall conduct the appropriate list maintenance activities for that county. Failure to conduct list maintenance activities as required in this section constitutes a violation of s. 104.051. A voter’s name may not be removed from the registration books later than 90 days prior to the date of a federal election. However, nothing in this section shall preclude the removal of the name of a voter from the voter registration books, at any time and without prior notification, upon the written request of the voter, by reason of conviction of the voter of a felony, by reason of adjudication of the voter as mentally incapacitated with respect to voting, by reason of the death of the voter, or upon a determination of ineligibility as provided in s. 98.075(3).*

(4) *If the supervisor receives change of address information from the United States Postal Service or its licensees or from jury notices signed by the voter and returned to the courts, which indicates that:*

(a) *The voter has moved within the supervisor’s county, the supervisor must change the registration records to show the new address and must send the voter a notice of the change by forwardable mail, including a postage prepaid preaddressed return form with which the voter may verify or correct the address information.*

(b) *The voter has moved outside the supervisor’s county, or contains no forwarding address, the supervisor shall send an address confirma-*

~~tion final notice and remove the name of the voter from the registration record if that voter did not:~~

- ~~1. Return the postage prepaid preaddressed return form;~~
- ~~2. Appear to vote;~~
- ~~3. Change the voter's registration; or~~
- ~~4. Request an absentee ballot~~

~~during the period beginning on the date when the address confirmation final notice was sent and ending on the day after the date of the second general election thereafter.~~

~~(5) The supervisor must designate as inactive all voters who have been sent an address confirmation final notice and who have not returned the postage prepaid preaddressed return form within 30 days. A voter on the inactive list must be allowed to vote and to change the voter's name or address of legal residence at the polls pursuant to s. 101.045. Names on the inactive list may not be used to calculate the number of signatures needed on any petition or the quantity of voting equipment needed.~~

Section 20. Section 98.075, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 98.075, F.S., for present text.)

98.075 Registration records maintenance activities; ineligibility determinations.—

(1) **MAINTENANCE OF RECORDS.**—The department shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. List maintenance activities must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. The department may adopt by rule uniform standards and procedures to interpret and administer this section.

(2) **DUPLICATE REGISTRATION.**—The department shall identify those voters who are registered more than once or those applicants whose registration applications would result in duplicate registrations. The most recent application shall be deemed an update to the voter registration record.

(3) **DECEASED PERSONS.**—The department shall identify those registered voters who are deceased by comparing information on the lists of deceased persons received from the Department of Health as provided in s. 98.093. Upon receipt of such information through the statewide voter registration system, the supervisor shall remove the name of the registered voter.

(4) **ADJUDICATION OF MENTAL INCAPACITY.**—The department shall identify those registered voters who have been adjudicated mentally incapacitated with respect to voting and who have not had their voting rights restored by comparing information received from the clerk of the circuit court as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter from the statewide voter registration system.

(5) **FELONY CONVICTION.**—The department shall identify those registered voters who have been convicted of a felony and whose rights have not been restored by comparing information received from, but not limited to, a clerk of the circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office, as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the

procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(6) **OTHER BASES FOR INELIGIBILITY.**—If the department or supervisor receives information other than from the sources identified in subsections (2)-(5) that a registered voter does not meet the age requirement pursuant to s. 97.041, is not a United States citizen, is a fictitious person, or has listed a residence that is not his or her legal residence, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(7) **PROCEDURES FOR REMOVAL.**—

(a) If the supervisor receives notice or information pursuant to subsections (4)-(6), the supervisor of the county in which the voter is registered shall:

1. Notify the registered voter of his or her potential ineligibility by mail within 7 days after receipt of notice or information. The notice shall include:

a. A statement of the basis for the registered voter's potential ineligibility and a copy of any documentation upon which the potential ineligibility is based.

b. A statement that failure to respond within 30 days after receipt of the notice may result in a determination of ineligibility and in removal of the registered voter's name from the statewide voter registration system.

c. A return form that requires the registered voter to admit or deny the accuracy of the information underlying the potential ineligibility for purposes of a final determination by the supervisor.

d. A statement that, if the voter is denying the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.

e. Instructions for the registered voter to contact the supervisor of elections of the county in which the voter is registered if assistance is needed in resolving the matter.

f. Instructions for seeking restoration of civil rights following a felony conviction, if applicable.

2. If the mailed notice is returned as undeliverable, the supervisor shall publish notice once in a newspaper of general circulation in the county in which the voter was last registered. The notice shall contain the following:

a. The voter's name and address.

b. A statement that the voter is potentially ineligible to be registered to vote.

c. A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the supervisor and removal of the registered voter's name from the statewide voter registration system.

d. An instruction for the voter to contact the supervisor no later than 30 days after the date of the published notice to receive information regarding the basis for the potential ineligibility and the procedure to resolve the matter.

e. An instruction to the voter that, if further assistance is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.

3. If a registered voter fails to respond to a notice pursuant to subparagraph 1. or subparagraph 2., the supervisor shall make a final determination of the voter's eligibility. If the supervisor determines that the voter is ineligible, the supervisor shall remove the name of the registered voter from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

4. If a registered voter responds to the notice pursuant to subparagraph 1. or subparagraph 2. and admits the accuracy of the information

underlying the potential ineligibility, the supervisor shall make a final determination of ineligibility and shall remove the voter's name from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

5. If a registered voter responds to the notice issued pursuant to subparagraph 1. or subparagraph 2. and denies the accuracy of the information underlying the potential ineligibility but does not request a hearing, the supervisor shall review the evidence and make a final determination of eligibility. If such registered voter requests a hearing, the supervisor shall send notice to the registered voter to attend a hearing at a time and place specified in the notice. Upon hearing all evidence presented at the hearing, the supervisor shall make a determination of eligibility. If the supervisor determines that the registered voter is ineligible, the supervisor shall remove the voter's name from the statewide voter registration system and notify the registered voter of the supervisor's determination and action.

(b) The following shall apply to this subsection:

1. All determinations of eligibility shall be based on a preponderance of the evidence.

2. All proceedings are exempt from the provisions of chapter 120.

3. Any notice shall be sent to the registered voter by certified mail, return receipt requested, or other means that provides a verification of receipt or shall be published in a newspaper of general circulation where the voter was last registered, whichever is applicable.

4. The supervisor shall remove the name of any registered voter from the statewide voter registration system only after the supervisor makes a final determination that the voter is ineligible to vote.

5. Any voter whose name has been removed from the statewide voter registration system pursuant to a determination of ineligibility may appeal that determination under the provisions of s. 98.0755.

6. Any voter whose name was removed from the statewide voter registration system on the basis of a determination of ineligibility who subsequently becomes eligible to vote must reregister in order to have his or her name restored to the statewide voter registration system.

(8) CERTIFICATION.—

(a) No later than July 31 and January 31 of each year, the supervisor shall certify to the department the activities conducted pursuant to this section during the first 6 months and the second 6 months of the year, respectively. The certification shall include the number of persons to whom notices were sent pursuant to subsection (7), the number of persons who responded to the notices, the number of notices returned as undeliverable, the number of notices published in the newspaper, the number of hearings conducted, and the number of persons removed from the statewide voter registration systems and the reasons for such removals.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not satisfied the requirements of this section, the department shall satisfy the appropriate requirements for that county. Failure to satisfy the requirements of this section shall constitute a violation of s. 104.051.

Section 21. Section 98.0755, Florida Statutes, is created to read:

98.0755 *Appeal of determination of ineligibility.*—Appeal of the supervisor's determination of ineligibility pursuant to s. 98.075(7) may be taken to the circuit court in and for the county where the person was registered. Notice of appeal must be filed within the time and in the manner provided by the Florida Rules of Appellate Procedure and acts as supersedeas. Trial in the circuit court is de novo and governed by the rules of that court. Unless the person can show that his or her name was erroneously or illegally removed from the statewide voter registration system, or that he or she is indigent, the person must bear the costs of the trial in the circuit court. Otherwise, the cost of the appeal must be paid by the supervisor of elections.

Section 22. Section 98.077, Florida Statutes, is amended to read:

98.077 Update of voter signature.—

(1) A registered voter may update his or her signature on file in the statewide voter registration system at any time using a voter registration application submitted to a voter registration official.

(2) The department and supervisors ~~supervisor~~ of elections shall include in any correspondence, other than postcard notifications and notices relating to eligibility, sent to a ~~provide to each~~ registered voter information regarding of the county the opportunity to update his or her signature on file at the supervisor's office by providing notification of the ability to do so in any correspondence, other than postcard notifications, sent to the voter. The notice shall advise when, where, and how to update the voter's signature and shall provide the voter information on how to obtain a voter registration application form from a voter registration official which the supervisor that can be returned to update the signature.

(3) ~~In addition,~~ At least once during each general election year, the supervisor shall publish in a newspaper of general circulation or other newspaper in the county deemed appropriate by the supervisor a notice specifying when, where, or how a voter can update his or her signature that is on file and ~~or~~ how a voter can obtain a voter registration application form from a voter registration official the supervisor to do so.

(4) All signature updates for use in verifying absentee and provisional ballots must be received by the appropriate supervisor of elections no later than the start of the canvassing of absentee ballots by the canvassing board. The signature on file at the start of the canvass of the absentees is the signature that shall be used in verifying the signature on the absentee and provisional ballot certificates.

Section 23. Section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from the statewide voter registration system ~~books~~; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.—

(1) Any person who requested that his or her name be removed from the statewide voter registration system ~~books~~ between the book-closing date of the first primary and the date of the second primary may not register in a different political party until after the date of the second primary election.

(2) When the name of any elector is removed from the statewide voter registration system ~~books~~ pursuant to s. 98.065 or, s. 98.075, ~~or s. 98.093~~, the elector's original registration application form shall be retained by the supervisor of elections having custody of the application ~~filed alphabetically in the office of the supervisor~~. As alternatives, registrations removed from the statewide voter registration system ~~books~~ may be microfilmed and such microfilms substituted for the original registration applications forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration application form. Such microfilms or stored information shall be retained by the supervisor of elections having in the custody of the supervisor. In the event the original registration applications forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the department.

(3) When the name of any elector has been erroneously or illegally removed from the statewide voter registration system ~~books~~, the name of the elector shall be restored by a voter registration official the supervisor upon satisfactory proof, even though the registration period for that election is closed.

Section 24. Section 98.093, Florida Statutes, is amended to read:

98.093 Duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony.—

(1) In order to ensure the maintenance of accurate and current voter registration records, it is necessary for the department to receive certain information from state and federal officials and entities. The department and supervisors of elections shall use the information provided from the sources in subsection (2) to maintain the voter registration records.

(2) To the maximum extent feasible, state and local government agencies shall facilitate provision of information and access to data to the

department, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local government agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

(a) The Department of Health shall furnish monthly to the department each supervisor of elections a list containing the name, address, date of birth, date of death, social security number, race, and sex of each deceased person 17 years of age or older who was a resident of such supervisor's county.

(b)(2) Each clerk of the circuit court shall furnish monthly to the department, at least once each month, deliver to each supervisor of elections a list of those persons who have been adjudicated mentally incapacitated with respect to voting during the preceding calendar month, a list of those persons whose mental capacity with respect to voting has been restored during the preceding calendar month, and a list of those persons who have returned signed jury notices during the preceding months to the clerk of the circuit court indicating a change of address. Each list shall include stating the name, address, date of birth, race, and sex, and, whichever is available, the Florida driver's license number, Florida identification card number, or social security number of each such person convicted of a felony during the preceding calendar month who was a resident of that supervisor's county, a list stating the name, address, date of birth, race, and sex of each person adjudicated mentally incapacitated with respect to voting during the preceding calendar month who was a resident of that supervisor's county, and a list stating the name, address, date of birth, race, and sex of each person whose mental capacity with respect to voting has been restored who was a resident of that supervisor's county.

(c)(3) Upon receipt of information from the United States Attorney, listing persons convicted of a felony in federal court, the department shall use such information to identify registered voters or applicants for voter registration who may be potentially ineligible based on information provided in accordance with s. 98.075 immediately forward such information to the supervisor of elections for the county where the offender resides.

(d) The Department of Law Enforcement shall identify those persons who have been convicted of a felony who appear in the voter registration records supplied by the statewide voter registration system, in a time and manner that enables the department to meet its obligations under state and federal law.

(e) The Board of Executive Clemency shall furnish monthly to the department a list of those persons granted clemency in the preceding month or any updates to prior records which have occurred in the preceding month. The list shall contain the Board of Executive Clemency case number, name, address, date of birth, race, sex, social security number, if available, and references to record identifiers assigned by the Department of Corrections, a unique identifier of each clemency case, and the effective date of clemency of each person.

(f) The Department of Corrections shall furnish monthly to the department a list of those persons transferred to the Department of Corrections in the preceding month or any updates to prior records which have occurred in the preceding month. The list shall contain the name, address, date of birth, race, sex, social security number, Department of Corrections record identification number, and associated Department of Law Enforcement felony conviction record number of each person.

(g) The Department of Highway Safety and Motor Vehicles shall furnish monthly to the department a list of those persons whose names have been removed from the driver's license database because they have been licensed in another state. The list shall contain the name, address, date of birth, sex, social security number, and driver's license number of each such person.

(4) Upon receipt of any such list, the supervisor shall remove from the registration books the name of any person listed who is deceased, convicted of a felony, or adjudicated mentally incapacitated with respect to voting. A person who has had his or her mental capacity with respect to voting restored or who has had his or her right to vote restored after conviction of a felony shall be required to reregister to have his or her name restored to the registration books.

(3)(5) Nothing in this section shall limit or restrict the supervisor in his or her duty to remove the names of such persons from the statewide

voter registration system pursuant to s. 98.075(7) based upon books after verification of information received from other sources.

Section 25. Effective August 1, 2006, section 98.0981, Florida Statutes, is created to read:

98.0981 *Statewide voter registration database.*—Within 75 days after a general election or within 15 days after all supervisors of elections have updated voter history information, whichever occurs later, the department shall send to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a report in electronic format of all voters qualified to vote in the election or primary. The report shall include for each voter the code used by the department to uniquely identify the voter; all information provided in the uniform statewide voter registration application pursuant to s. 97.052(2), except what is specifically identified as confidential or exempt from public-records requirements; the date of registration; the representative district, senatorial district, congressional district, and precinct in which the voter resides; and whether the voter voted at the precinct location, voted by early vote, voted by absentee ballot, attempted to vote by absentee ballot that was not counted, attempted to vote by provisional ballot that was not counted, or did not vote.

Section 26. Section 98.212, Florida Statutes, is amended to read:

98.212 *Department and supervisors to furnish statistical and other information.*—

(1)(a) Upon written request, the department and any supervisor of the respective counties supervisors shall, as promptly as possible, furnish to recognized public or private universities and senior colleges within the state, to state or county governmental agencies, and to recognized political party committees statistical information for the purpose of analyzing election returns and results.

(b) The department and any supervisor Supervisors may require reimbursement for any part or all of the actual expenses of supplying any information requested under paragraph (a). For the purposes of this subsection, the department and supervisors may use the services of any research and statistical personnel that may be supplied.

(c) Lists of names submitted to the department and any supervisor of the respective counties supervisors for indication of registration or nonregistration or of party affiliation shall be processed at any time at cost, except that in no case shall the charge exceed 10 cents for each name on which the information is furnished.

(2) The supervisors shall provide information as requested by the department for program evaluation and reporting to the Federal Election Assistance Commission pursuant to federal law the National Voter Registration Act of 1993.

Section 27. Section 98.461, Florida Statutes, is amended to read:

98.461 *Registration application form, precinct register; contents.*—

(1) A registration application form, approved by the Department of State, containing the information required in s. 97.052 shall be retained by the supervisor of elections of the county of the applicant's registration filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration application forms may be microfilmed and such microfilm microfilms substituted for the original registration application forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration application form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections of the county of the applicant's registration. In the event the original registration applications forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451.

(2) A computer printout or electronic database shall be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and

the following information concerning each registered elector: last name, first name, ~~and middle name or initial, and suffix~~; party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register shall also contain a space for the elector's signature and a space for the initials of the witnessing clerk or inspector *or an electronic device may be provided for this purpose.*

Section 28. Effective January 1, 2007, section 100.371, Florida Statutes, as amended by section 9 of chapter 2002-281, Laws of Florida, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election *provided the initiative has been filed with occurring in excess of 90 days from the certification of ballot position* by the Secretary of State *no later than February 1 of the year the general election is held. A petition shall be deemed to be filed with the Secretary of State upon the date the secretary determines that the petition has been signed by the constitutionally required number of electors.*

~~(2) Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with.~~

(2)(3) The sponsor of an initiative amendment shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment to the Secretary of State, with the form on which the signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. The Secretary of State shall adopt rules pursuant to s. 120.54 prescribing the style and requirements of such form. Upon filing with the Secretary of State, the text of the proposed amendment and all forms filed in connection with this section must, upon request, be made available in alternative formats.

(3)(4) *Each signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are met.* The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures upon payment of the fee required by s. 99.097. *The supervisor shall promptly record each valid signature in the statewide voter registration system in the manner prescribed by the Secretary of State. Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, and the distribution by congressional district. This certificate shall be immediately transmitted to the Secretary of State. The supervisor shall retain the signature forms for at least 1 year following the election in which the issue appeared on the ballot or until the Division of Elections notifies the supervisors of elections that the committee which circulated the petition is no longer seeking to obtain ballot position.*

~~(4)(5) The Secretary of State shall determine from the signatures verified by the verification certificates received from supervisors of elections and recorded in the statewide voter registration system the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the secretary of a certificate or certificates from supervisors of elections indicating the petition has been signed by the constitutionally required number of electors.~~

(5)(6)(a) Within 45 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State ~~or, within 30 days after such receipt if receipt occurs 120 days or less before the election at which the question of ratifying the~~

~~amendment will be presented~~, the Financial Impact Estimating Conference shall complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. The Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(b)1. The Financial Impact Estimating Conference shall provide an opportunity for any proponents or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research. All meetings of the Financial Impact Estimating Conference shall be open to the public as provided in chapter 286.

2. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

3. Principals of the Financial Impact Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous financial impact statement, no more than 75 words in length, and immediately submit the statement to the Attorney General. Nothing in this subsection prohibits the Financial Impact Estimating Conference from setting forth a range of potential impacts in the financial impact statement. Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.

4. If the members of the Financial Impact Estimating Conference are unable to agree on the statement required by this subsection, or if the Supreme Court has rejected the initial submission by the Financial Impact Estimating Conference and no redraft has been approved by the Supreme Court by 5 p.m. on the 75th day before the election, the following statement shall appear on the ballot pursuant to s. 101.161(1): "The financial impact of this measure, if any, cannot be reasonably determined at this time."

(c) The financial impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).

(d)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered at least 75 days before the election at which the question of ratifying the amendment will be presented. The Financial Impact Estimating Conference shall prepare and adopt a revised financial impact statement no later than 5 p.m. on the 15th day after the date of the court's opinion.

2. If, by 5 p.m. on the 75th day before the election, the Supreme Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the financial impact statement shall be deemed approved for placement on the ballot.

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience if the ballot measure were approved. If appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and additional detailed information that includes the assumptions that were made to develop the financial impacts,

workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.

4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial information statements available at each polling place and at the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include the Internet addresses for the information statements on the Secretary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

(6)(7) The Department of State may adopt rules in accordance with s. 120.54 to carry out the provisions of subsections (1)-(5) ~~(1)-(6)~~.

Section 29. Subsection (3) of section 101.001, Florida Statutes, is amended to read:

101.001 Precincts and polling places; boundaries.—

(3)(a) Each supervisor of elections shall maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, representative district, and senatorial district, and other type of district in the county subject to the elections process in this code.

(b) The supervisor of elections shall notify the Secretary of State in writing within 30 days ~~after~~ of any reorganization of precincts and shall furnish a copy of the map showing the current geographical boundaries and designation of each new precinct. *However, if precincts are composed of whole census blocks, the supervisor may furnish, in lieu of a copy of the map, a list, in an electronic format prescribed by the Department of State, associating each census block in the county with its precinct.*

(c) *Any precinct established or altered under the provisions of this section shall consist of areas bounded on all sides only by:*

1. *Census block boundaries from the most recent United States Census;*

2. *Governmental unit boundaries reported in the most recent Boundary and Annexation Survey published by the United States Census Bureau;*

3. *Visible features that are readily distinguishable upon the ground, such as streets, railroads, tracks, streams, and lakes, and that are indicated upon current census maps, official Department of Transportation maps, official municipal maps, official county maps, or a combination of such maps;*

4. *Boundaries of public parks, public school grounds, or churches; or*

5. *Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the United States Census Bureau for block boundaries.*

(d) *Until July 1, 2012, a supervisor may apply for and obtain from the Secretary of State a waiver of the requirement in paragraph (c).*

Section 30. Subsections (1) and (3) of section 101.043, Florida Statutes, are amended to read:

101.043 Identification required at polls.—

(1) The precinct register, as prescribed in s. 98.461, shall be used at the polls ~~in lieu of the registration books~~ for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present *one of the following* a current and valid picture identifications:

(a) *Florida driver's license.*

(b) *Florida identification card issued by the Department of Highway Safety and Motor Vehicles.*

(c) *United States passport.*

(d) *Employee badge or identification.*

(e) *Buyer's club identification.*

(f) *Debit or credit card.*

(g) *Military identification.*

(h) *Student identification.*

(i) *Retirement center identification.*

(j) *Neighborhood association identification.*

(k) *Public assistance identification as provided in s. 97.0535(3)(a).*

If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required. The elector shall sign his or her name in the space provided *on the precinct register or on an electronic device provided for recording the voter's signature,* and The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided *on the precinct register or on an electronic device provided for that purpose* and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

(3) If the elector who fails to furnish the required identification is *an elector subject to s. 97.0535* ~~a first-time voter who registered by mail~~ and has not provided the required identification to *a voter registration official* ~~the supervisor of elections~~ prior to election day, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot pursuant to s. 101.048(2).

Section 31. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

101.045 Electors must be registered in precinct; provisions for residence or name change.—

(2)(a) An elector who moves from the precinct ~~within the county~~ in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered Voter

Under penalties for false swearing, I, (Name of voter) , swear (or affirm) that the former address of my legal residence was (Address of legal residence) in the municipality of _____, in _____ County, Florida, and I was registered to vote in the _____ precinct of _____ County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at (Address of legal residence) in the Municipality of _____, in _____ County, Florida, and am therefore eligible to vote in the _____ precinct of _____ County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose address of legal residence has changed)

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered Voter

Under penalties for false swearing, I, (New name of voter) , swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration ~~records~~ *books* of precinct _____ as follows:

Name

Address

Municipality

County

Florida, Zip

My present name and address of legal residence are as follows:

Name

Address

Municipality

County

Florida, Zip

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose name has changed)

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the *statewide voter registration system records of the county* to indicate the change in address of legal residence or name of such elector.

(d) Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

~~(e) A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his or her address of legal residence, the supervisor shall provide the elector with the proper ballot for the precinct in which the elector then has his or her legal residence.~~

~~(3) When an elector's name does not appear on the registration books of the election precinct in which the elector is registered, the elector may have his or her name restored if the supervisor is otherwise satisfied that the elector is validly registered, that the elector's name has been erroneously omitted from the books, and that the elector is entitled to have his or her name restored. The supervisor, if he or she is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.~~

Section 32. Subsection (1) of section 101.048, Florida Statutes, is amended to read:

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the *state county* and eligible to vote at the precinct in the election, but whose eligibility cannot be determined, and other persons specified in the code shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections. The department shall prescribe the form of the provisional ballot envelope.

Section 33. Effective January 1, 2007, subsection (1) of section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be

embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(5)(6). The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

Section 34. Subsection (2) of section 101.56062, Florida Statutes, as created by chapter 2002-281, Laws of Florida, is amended to read:

101.56062 Standards for accessible voting systems.—

(2) Such voting system must include at least one accessible voter interface device installed in each *polling place precinct* which meets the requirements of this section, except for paragraph (1)(d).

Section 35. Subsection (1) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(1) Each elector desiring to vote shall be identified to the clerk or inspector of the election as a duly qualified elector of such election and shall sign his or her name ~~on the in ink or indelible pencil to an identification blank, signature slip, precinct register, or other form or device provided by the supervisor ballot stub on which the ballot serial number may be recorded.~~ The inspector shall compare the signature with the signature on the identification provided by the elector. If the inspector is reasonably sure that the person is entitled to vote, the inspector shall provide the person with a ballot.

Section 36. Effective August 1, 2006, section 101.573, Florida Statutes, is created to read:

101.573 Record of votes by precinct.—

(1) *Within 75 days after the date of a municipal election or runoff, whichever occurs later, a presidential preference primary, or a general election, the supervisor of elections shall file with the Department of State precinct-level election results for that election cycle, including any primary elections. Precinct-level election results shall record for each precinct the returns of ballots cast at the precinct location to which have been added the returns of absentee and early ballots cast by voters registered in the precinct.*

(2) *The Department of State shall adopt rules pursuant to ss. 120.536(1) and 120.54 prescribing the form by which supervisors of elections shall submit election results for each precinct.*

Section 37. Effective January 1, 2007, paragraph (a) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in ss. 99.063(4) and 100.371(5)(6), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second

primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted. The Department of State may prescribe by rule the requirements for preparing and mailing absentee ballots to absent qualified electors overseas.

Section 38. Subsection (3) is added to section 101.64, Florida Statutes, to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(3) *The supervisor shall mark, code, indicate on, or otherwise track the precinct of the absent elector for each absentee ballot.*

Section 39. Paragraph (a) of subsection (1) of section 101.657, Florida Statutes, is amended to read:

101.657 Early voting.—

(1)(a) The supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor by depositing the voted ballot in a voting device used by the supervisor to collect or tabulate ballots. *The supervisor shall mark, code, indicate on, or otherwise track the voter's precinct for each early voted ballot.* In order for a branch office to be used for early voting, it shall be a full-service facility of the supervisor and shall have been designated as such at least 1 year prior to the election. The supervisor may designate any city hall or public library as early voting sites; however, if so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable. The results or tabulation may not be made before the close of the polls on election day.

Section 40. Section 101.663, Florida Statutes, is amended to read:

101.663 Electors; change of residence to another state.—

~~(1) An elector who changes his or her residence to another county in Florida from the county in Florida in which he or she is registered as an elector after the books in the county to which the elector has changed his or her residence are closed for any general, primary, or special election shall be permitted to vote absentee in the county of his or her former residence in that election for President and Vice President, United States Senator, statewide offices, and statewide issues. Such person shall not be permitted to vote in the county of the person's former residence after the general election.~~

(2) An elector registered in this state who moves his or her permanent residence to another state and who is prohibited by the laws of that state from voting for the offices of President and Vice President of the United States shall be permitted to vote absentee in the county of his or her former residence for those offices.

Section 41. Subsection (1) of section 101.6921, Florida Statutes, is amended to read:

101.6921 Delivery of special absentee ballot to certain first-time voters.—

(1) The provisions of this section apply to voters who *are subject to the provisions of s. 97.0535 registered to vote by mail, who have not previously voted in the county*, and who have not provided the identification or certification required by s. 97.0535 by the time the absentee ballot is mailed.

Section 42. Section 101.6923, Florida Statutes, is amended to read:

101.6923 Special absentee ballot instructions for certain first-time voters.—

(1) The provisions of this section apply to voters who *are subject to the provisions of s. 97.0535 registered to vote by mail, who have not previously voted in the county*, and who have not provided the identification or information required by s. 97.0535 by the time the absentee ballot is mailed.

(2) A voter covered by this section shall be provided with ~~the following~~ printed instructions with his or her absentee ballot *in substantially the following form*:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the date of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one, your vote in that race will not be counted.

4. Place your marked ballot in the enclosed secrecy envelope and seal the envelope.

5. Insert the secrecy envelope into the enclosed envelope bearing the Voter's Certificate. Seal the envelope and completely fill out the Voter's Certificate on the back of the envelope.

a. You must sign your name on the line above (Voter's Signature).

b. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

6. Unless you meet one of the exemptions in Item 7., you must make a copy of one of the following forms of identification:

a. Identification which must include your name and photograph: ~~current and valid Florida driver's license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles; United States passport; employee badge or identification; buyer's club identification card; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; entertainment identification; or public assistance identification; or~~

b. Identification which shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter identification card).

7. The identification requirements of Item 6. do not apply if you meet one of the following requirements:

a. You are 65 years of age or older.

b. You have a temporary or permanent physical disability.

c. You are a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.

d. You are a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day.

e. You are the spouse or dependent of a member referred to in paragraph c. or paragraph d. who, by reason of the active duty or service of the member, will be absent from the county on election day.

f. You are currently residing outside the United States.

8. Place the envelope bearing the Voter's Certificate into the mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. **DO NOT PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.**

9. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10. **FELONY NOTICE.** It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 43. Subsection (3) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(3) The supervisor shall furnish inspectors of election for each precinct with the ~~list of registered electors for that precinct registration books divided alphabetically as will best facilitate the holding of an election.~~ The supervisor shall also furnish to the inspectors of election at the polling place at each precinct in the supervisor's county a sufficient number of forms and blanks for use on election day.

Section 44. Subsections (1), (2), and (3) of section 104.013, Florida Statutes, are amended to read:

104.013 Unauthorized use, possession, or destruction of voter ~~information registration identification~~ card.—

(1) It is unlawful for any person knowingly to have in his or her possession any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued voter ~~information registration identification~~ card unless possession by such person has been duly authorized by the supervisor.

(2) It is unlawful for any person to barter, trade, sell, or give away a voter ~~information registration identification~~ card unless said person has been duly authorized to issue a voter ~~information registration identification~~ card.

(3) It is unlawful for any person willfully to destroy or deface the ~~information registration identification~~ card of a duly registered voter.

Section 45. Effective upon becoming a law, subsection (7) is added to section 106.0705, Florida Statutes, to read:

106.0705 Electronic filing of campaign treasurer's reports.—

(7) *Notwithstanding anything in law to the contrary, any report required to have been filed under this section for the period ended March 31, 2005, shall be deemed to have been timely filed if the report is filed under this section on or before June 1, 2005.*

Section 46. Subsection (2) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(2)(a) A candidate may not accept contributions from national, state, including any subordinate committee of a national, state, or county committee of a political party, and county executive committees of a political party, which contributions in the aggregate exceed \$50,000, no more than \$25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.

(b) *A candidate for statewide office may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of a national, state, or county committee of a political party, which contributions in the aggregate exceed \$250,000, no more than \$125,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.* Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits of paragraph (a) *or paragraph (b).* Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the ~~\$50,000~~ contribution limits of paragraph (a) *or paragraph (b).* Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party under s. 106.29.

Section 47. Subsection (3) of section 106.33, Florida Statutes, is amended to read:

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or member of the Cabinet who desires to receive

contributions from the Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, candidates for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate may not be an unopposed candidate as defined in s. 106.011(15) and must:

(3) Limit loans or contributions from the candidate's personal funds to \$25,000 and contributions from national, state, and county executive committees of a political party to ~~\$250,000~~ ~~\$25,000~~ in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).

Section 48. Section 106.34, Florida Statutes, is amended to read:

106.34 Expenditure limits.—

(1) Any candidate for Governor and Lieutenant Governor or Cabinet officer who requests contributions from the Election Campaign Financing Trust Fund shall limit his or her total expenditures as follows:

(a) Governor and Lieutenant Governor: ~~\$2.00 for each Florida-registered voter \$5 million.~~

(b) Cabinet officer: ~~\$1.00 for each Florida-registered voter \$2 million.~~

(2) The expenditure limit for any candidate with primary election opposition only shall be 60 percent of the limit provided in subsection (1).

(3) *For purposes of this section, "Florida-registered voter" means a voter who is registered to vote in Florida as of June 30 of each odd-numbered year. The Division of Elections shall certify the total number of Florida-registered voters no later than July 31 of each odd-numbered year. Such total number shall be calculated by adding the number of registered voters in each county as of June 30 in the year of the certification date. For the 2006 general election, the Division of Elections shall certify the total number of Florida-registered voters by July 31, 2005. The expenditure limit shall be adjusted by the Secretary of State quadrennially to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, 1967=100, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics.*

(4) For the purposes of this section, the term "expenditure" does not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

Section 49. Section 196.141, Florida Statutes, is amended to read:

196.141 Homestead exemptions; duty of property appraiser.—

(1) The property appraiser shall examine each claim for exemption filed with or referred to him or her and shall allow the same, if found to be in accordance with law, by marking the same approved and by making the proper deductions on the tax books.

(2) ~~The property appraiser shall examine each referral, of a person registering to vote at an address different from the one where the person has filed for a homestead exemption, which has been provided by a supervisor of elections pursuant to s. 98.015. The property appraiser shall initiate procedures to terminate a person's homestead exemption and assess back taxes, if appropriate, if the person claiming such exemption is not entitled to the exemption under law.~~

Section 50. Subsection (4) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(4) EMERGENCY RULES.—

(a) If an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, the agency may adopt any rule necessitated by the immediate danger. The agency may adopt a rule by any procedure which is fair under the circumstances if:

1. The procedure provides at least the procedural protection given by other statutes, the State Constitution, or the United States Constitution.

2. The agency takes only that action necessary to protect the public interest under the emergency procedure.

3. The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances. In any event, notice of emergency rules, other than those of educational units or units of government with jurisdiction in only one or a part of one county, including the full text of the rules, shall be published in the first available issue of the Florida Administrative Weekly and provided to the committee. The agency's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable.

(b) Rules pertaining to the public health, safety, or welfare shall include rules pertaining to perishable agricultural commodities or rules pertaining to the interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Election Code.

(c) An emergency rule adopted under this subsection shall not be effective for a period longer than 90 days and shall not be renewable, except during the pendency of a challenge to proposed rules addressing the subject of the emergency rule. However, the agency may take identical action by the rulemaking procedures specified in this chapter.

(d) Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or on a date less than 20 days thereafter if specified in the rule, if the adopting agency finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.

Section 51. Subsection (1) of section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the first primary, but not later than noon of the 116th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to federal office or the office of the state attorney or public defender; and noon of the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to a state or multicounty district office, other than the office of state attorney or public defender.

Section 52. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075; to the Department of Revenue pursuant to an interagency agreement to facilitate service of process in Title IV-D cases; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims, and are exempt from the provisions of s. 119.07(1).

Section 53. *Absentee ballots and voting; violations.*—Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, with intent to alter, change, modify, or erase any vote on the absentee ballot, except as provided in sections 101.6105-101.695, Florida Statutes, commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

Section 54. Subsection (1) of section 104.047, Florida Statutes, is repealed.

Section 55. Sections 98.055, 98.095, 98.0977, 98.0979, 98.101, 98.181, 98.231, 98.451, 98.481, and 101.635, Florida Statutes, are repealed.

Section 56. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Florida Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; providing rulemaking authority to make forms available in alternative formats and via the Internet; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; deleting provisions relating to the second primary; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elec-

tions; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; deleting provisions relating to the second primary; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating 98.0981, F.S.; requiring the department to furnish certain voter information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; conforming a cross-reference; amending s. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change of residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.0705, F.S.; providing for the timely filing of certain reports; amending s. 106.08; providing for contribution limits to statewide candidates; amending s. 106.33, F.S.; increasing certain contribution limits; amending s. 106.34, F.S.; revising provisions relating to certain candidate expenditure limits; providing a definition; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare; amending s. 99.061, F.S.; providing the method of qualifying for nomination to the office of the state attorney or public defender; amending s. 322.142, F.S.; providing for disclosure of certain confidential driver's license information to the department under certain circumstances; making it a third-degree felony to participate in certain exchanges associated with voting by absentee ballot; repealing s. 104.047(1), F.S., relating to criminal penalties for participation in certain exchanges associated with voting by absentee ballot; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of

registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

Pursuant to Rule 4.19, **HB 1589** as amended was placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of “rental company” for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—which was previously considered this day.

Pending further consideration of **CS for SB 1030** as amended, on motion by Senator Campbell, by two-thirds vote **HB 551** was withdrawn from the Committees on Transportation; Banking and Insurance; and Judiciary.

On motion by Senator Campbell by two-thirds vote—

HB 551—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; revising the definition of “rental company” for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain related rental or leasing companies and certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1030** as amended and read the second time by title.

On motion by Senator Campbell, by two-thirds vote **HB 551** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Bennett

THE PRESIDENT PRESIDING

CS for CS for SB 1766—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term “psychotropic medication”; prohibiting a public school from denying a student access to programs or services under certain conditions; authorizing public school teachers and school

district personnel to share certain information with a student's parent; prohibiting public school teachers and school district personnel from compelling certain actions by a parent; authorizing the refusal of psychological screening; providing for medical decisionmaking authority; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senator Crist moved the following amendment:

Amendment 1 (774898)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1006.0625, Florida Statutes, is created to read:

1006.0625 Administration of psychotropic medication; prohibition.—

(1) *As used in this section, the term “psychotropic medication” means a prescription medication that is used for the treatment of mental disorders and includes, without limitation, antihypnotics, antipsychotics, antidepressants, anxiety agents, sedatives, psychomotor stimulants, and mood stabilizers.*

(2) *A recipient of state funds shall not require a student to be prescribed or administered any psychotropic medication as a condition of such student receiving educational or school-based services, including, but not limited to, school enrollment, class attendance, extracurricular activity participation, or school-related event attendance, that are financed in whole or part by state funds. A psychotropic medication shall be administered pursuant to s. 1006.062.*

(3) *Before a student is evaluated for the purposes of classification or placement under s. 1003.57(5) for any disorder listed in the Diagnostic and Statistical Manual of Mental Disorders, the parent shall be notified that:*

(a) *The behaviors prompting the evaluation could be the result of underlying physical conditions.*

(b) *The parent should consider consulting a medical doctor to rule out physical causes.*

(c) *The parent has the right to decline the evaluation.*

(d) *The evaluation and subsequent classification or placement may be documented on the student's cumulative record and have future consequences.*

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term “psychotropic medication”; prohibiting a recipient of state funds from requiring a student to be prescribed or administered psychotropic medication as a condition of receipt of educational services financed by state funds; providing requirements for administration; requiring notification to parents prior to evaluation of certain students for classification or placement as an exceptional student; providing an effective date.

On motion by Senator Crist, further consideration of **CS for CS for SB 1766** with pending **Amendment 1 (774898)** was deferred.

By direction of the President, the rules were waived and the Senate reverted to—

REPORTS OF COMMITTEES

EXECUTIVE BUSINESS—Executive Order of Suspension

Special Master, D. Stephen Kahn, to whom was referred the Executive Order of Suspension of Miriam Oliphant, which was published on page

170 of the March 2, 2004 Regular Session Journal, submitted the following report:

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: SUSPENSION OF
MIRIAM OLIPHANT,
SUPERVISOR OF ELECTIONS
OF BROWARD COUNTY
Executive Order 03-219

REPORT AND RECOMMENDATIONS OF SPECIAL MASTER

Miriam McKinzie Oliphant was elected Supervisor of Elections of Broward County Florida on November 7, 2000. She began her 4-year term of office on January 3, 2001. Governor Bush suspended her on November 20, 2003. In Executive Order 03-219, the Governor alleged and incorporated myriad acts and omissions by Supervisor Oliphant, characterized as grave and frequent neglect, gross ignorance of official duties, and gross carelessness in and improper discharge of official duties. The Governor alleged that Supervisor Oliphant's acts and omissions constituted neglect of duty, incompetence, and misfeasance, three of the grounds specified in Article IV, s.7(a), Florida Constitution.

I was appointed Senate Special Master on February 4, 2004. Under Senate Rule 12.8, I held four pre-hearing conferences. Subject to the Senate's approval, I ruled on Supervisor Oliphant's Motion to Dismiss, on her Motion for Fees and Costs, and on several discovery motions and requests made by both parties. In July, I presided over an 8-day evidentiary hearing, part in Fort Lauderdale and part in Tallahassee. I heard sworn testimony from 30 witnesses who were examined and cross examined by counsel for both parties. I admitted into evidence and considered 95 exhibits.

The Governor was ably represented by Attorney Peter Antonacci from Gray Robinson, P.A., Deputy General Counsel Robert Fernandez, and General Counsel Raquel Rodriguez. Supervisor Oliphant was ably represented by Attorney Henry Hunter. The 2,365 page stenographic transcript and the 95 exhibits in evidence are available for the Senate's review. References to the page numbers in that transcript are indicated by [T: #]. References to exhibits are identified by “G” for Governor's, “R” for Respondent's, and “M” for Special Master's, followed by an exhibit number and a page reference, where applicable.

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THE CHARGES

Neither the Florida Constitution nor the Florida Statutes prescribes a particular format for an Executive Suspension Order except that it must state one or more of the seven specified constitutional grounds for the suspension and it must specify not just conclusions but facts that

bear some “reasonable relation” to the stated constitutional grounds. *Crowder v. State ex rel. Baker*, 285 So.2d 33, 35 (Fla. 4th DCA 1973). The allegations of fact must be specific enough to apprise fairly the suspended officer of the alleged acts.

State ex rel. Meyerson v. Askew, 269 So.2d 671, 676 (Fla. 1972).

A Suspension Order’s format and degree of detail are up to the governor. Some governors attach nothing. Others attach and incorporate grand jury indictments, investigative reports, and miscellaneous supporting documents. Supervisor Oliphant’s Suspension Order is of the latter type.

For clarity in analysis, my findings of fact are organized into three sections that together address ten charges culled from the wide-ranging array of allegations in the Whereas clauses of the Suspension Order and the 76 pages of exhibits that the Suspension Order incorporates by reference:

Section 1. Charges One through Five—the allegations associated with the September 10, 2002 primary election.

Section 2. Charges Six through Nine—the allegations of financial mismanagement, failure to do biennial list maintenance, failure to maintain adequate staffing levels, and refusal to accept personal responsibility.

Section 3. Charge Ten—the allegations relating to Supervisor Oliphant’s failure to attain or demonstrate timely compliance with the obligatory “recommendations” given to her by Secretary of State Hood’s October 2003 Assessment Team.

Governor Bush has charged Supervisor Oliphant with three constitutional offenses: neglect of duty, incompetence, and misfeasance. The Florida Supreme Court has provided, and the Florida Senate repeatedly applied, the following definitions in suspension cases:

“*Neglect of duty* has reference to the neglect or failure on the part of a public officer to do and perform some duty or duties laid on by virtue of the office or which is required by law. It is not material whether the neglect be willful, through malice, ignorance, or oversight.”

“*Incompetency* has reference to any physical, moral, or intellectual quality, the lack of which incapacitates one to perform the duties of office. Incompetency may arise from gross ignorance of official duties or gross carelessness in the discharge of them....”

“*Misfeasance* is the performance by an officer in the officer’s official capacity, of a legal act in an improper or illegal manner.”

State ex rel Hardie v. Coleman, 155 So.129 at 132-33 (1934); In re: Suspension of Judge E. Summers Sheffey, *S.Jour.*, May 13, 1970 @ 398.

COUNSELS’ OPENING STATEMENTS

Governor’s Counsel conceded in his opening statement at the Senate hearing that the case against Supervisor Oliphant had no smoking gun and it did not rest on one single, major, scale-tipping incident [T: 21]. He said that the evidence would tell a complex story that would prove more than Supervisor Oliphant’s mere ineptness, ineffectiveness, and inefficiency [T: 14, 32]. He said that the suspension was not based on the Respondent’s botching of a single election [T: 19] or her firing of a few disgruntled whistle-blowing employees [T: 164]. He said that he would prove that, taken as a whole, the Respondent’s gross mismanagement and repeated failures would rise to the level of, and support all three charged constitutional offenses.

Supervisor Oliphant’s counsel said in his opening statement that he would prove that from the day Supervisor Oliphant showed up in her new office, there was animosity against her at all levels [T: 45] and that there had even been efforts at the local level to take away her office by putting it directly under the Board of County Commissioners [T: 46]. He said he would prove that she was set up for failure by having the “ugly animal” of 5,000+ iVotronic touch screen voting machines that were too labor-intensive, too unreliable, and not yet certified at the point of purchase, handed to her by the Board, against her will, and contrary to her better judgment and her advice [T: 47]. He said that he would prove that the Broward County Commissioners repeatedly under-funded her operations and rejected her requests for increased funding. He said that he would prove a case of selective prosecution of his client because what

happened in Miami-Dade County on September 10, 2002 was as bad or worse, but his client was the only supervisor to be suspended [T: 59, 61]. He said he would prove that a conspiracy existed against his client [T: 70]. He said he would prove that she was the target of intentional sabotage by at least two of her management-level employees [T: 46, 51, 54, 59, 67], and that the motive of these saboteurs was animosity against his client because she “commenced to bring in some blacks into management” [T: 51].

JURISDICTION

Jurisdiction in the context of this case means the Senate’s power to address the suspension of Supervisor Oliphant. The Florida Senate gets this power directly from Article IV, Sec. 7(b), Fla. Const. That subsection says “The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official”

The term of office to which Supervisor Oliphant was elected ended on January 4, 2005. Her successor’s own term of office was determined in the November 2004 general election and commenced on January 4, 2005. Although a textually-based interpretational argument can be made to the contrary, it is my view that the Senate’s power to act on Supervisor Oliphant’s suspension was not extinguished by the expiration of her term. The Senate’s jurisdiction to remove or reinstate is invoked when the Governor properly exercises the jurisdiction to suspend an officer. Though there is no court case exactly on point, the better interpretation is that once such jurisdiction is thus invoked in the Senate, it is not extinguished merely because the suspended official’s term expires.

However, because the Senate’s decision to remove or reinstate Supervisor Oliphant from office after her term has expired will no longer have any practical effect on who will sit in the Broward County Supervisor’s chair, there is no compelling reason to make it except that if the Senate’s vote were to reinstate and “exonerate” her, she would be able to request back pay, reasonable attorney’s fees, and costs [\$112.44, Fla. Stat.].

In one of the first cases presented to it under the 1968 Constitution, the Florida Senate exercised its continuing jurisdiction over a suspended officer after that officer’s term had expired and after he was defeated at a subsequent election [in re: Livingston, *S.Jour.*, Feb 17, 1969 @ 28]. The Senate has more recently exercised its continuing jurisdiction and voted to remove a sheriff from office about 4 months after his term was over [in re: Harrison, *S.Jour.*, May 2, 1997 @ 1300].

There have been, and will undoubtedly continue to be, other suspended officers whose terms will have expired, who will have resigned, or whose offices will have otherwise become vacant, that the Senate determines not to take up for any number of reasons. That is and will be a future Senate’s choice, but it ought not be because of a precedent or finding based on the Senate’s lack of continuing jurisdiction to do so.

In short, the Florida Senate’s power to remove or to reinstate a suspended officer who has vacated office is separate from its decision whether or not to proceed to do so.

Finally, there is a related statutory reason to proceed to finality in this case. Section 112.44, F.S., says, in part, that “In the event any officer suspended by the Governor shall not be removed by the Senate, the officer shall be reinstated. . . .” As long as it remains on the books, this language could be the basis of a suspended officer’s argument that it is self-executing and that if the Senate, for whatever reason, fails to remove the suspended officer, then at some unspecified point in the future, the Senate’s non-action somehow constitutes a reinstatement. Following through with Senate final action in Supervisor Oliphant’s case would eliminate the possibility of her subsequently raising this argument in a judicial forum.

SECTION ONE **SPECIFIC CHARGE ONE** **[Whereas clause 4 of EO 03-219]**

In reference to the September 2002 primary election, after the manager of poll worker recruitment advised Supervisor Oliphant on numerous occasions to hire the necessary personnel, the Supervisor never allowed her manager to do so.

FINDINGS

In the run up to the September 2002 primary, Poll Worker Manager Pat Nesbit was responsible for acquiring polling locations, recruiting

and training 5,000 or so poll workers from the community, and assigning them in certain precincts under a formula supplied to her by a co-employee. Her department had seven employees [T: 1027].

Ms. Nesbit's May 8, 2002 list of 17 "critical issues" addressed to her immediate supervisor, Deputy Supervisor Walter Foeman, [G: 1], did not specifically address the need to hire additional personnel and she was never asked directly, nor did she offer testimony at the Senate hearing, that she had ever advised Supervisor Oliphant (or anyone else) to hire the necessary (additional) personnel for the poll worker recruitment training and placement function.

A memorandum written by Pat Nesbit to Supervisor Oliphant does inform the Supervisor of Ms. Nesbit's "concerns" over lack of staff to do the tasks associated with the November 2003 municipal elections [G: 44(a)]; however, that memo was dated July 16, 2003 and was not related to the September 2002 primary.

As an aside to Specific Charge One, Supervisor Oliphant offered a September 14, 2002 report from her then Executive Administrative Assistant, Lisa Strachan [R: 13]. Although Ms. Strachan was listed on Supervisor Oliphant's list of potential witnesses, she was not called to explain her temporary duty assignment to the poll worker section beginning about 3 weeks before the September 10, 2002 primary. Apparently, Ms. Strachan was assigned to "assist" Pat Nesbit in response to Ms. Nesbit's "numerous statements that her department was overwhelmed and needed additional staff" [R: 13 @ 1]. Ms. Strachan's report was critical of what she called Nesbit's lack of management skills, lack of planning, extreme disorganization, and high stress level. Ms. Strachan recommended that Supervisor Oliphant retain Pat Nesbit for the time being, but appoint a skilled assistant to get Nesbit's operation straightened out [R: 13 @ 8].

Although the Strachan report provides an additional opinion and perspective of Ms. Nesbit's abilities, it is untested hearsay since Ms. Strachan did not testify and was not subject to cross-examination at the hearing. Her report does not alter my finding that the specific facts alleged in Specific Charge One were NOT PROVED.

SECTION ONE
SPECIFIC CHARGE TWO
[Whereas clause 5 of EO 03-219]

In reference to the September 2002 primary election, 24 precincts opened late: 13 due to lack of election supplies and 11 due to a lack of personnel.

FINDINGS

In the primary election of September 10, 2002, Broward County had 809 voting precincts [T: 479] at approximately 500 polling locations [T: 984]. Some locations hosted more than one precinct's voting apparatus. Each precinct was assigned a clerk, a deputy clerk, one or more inspectors, a technician proficient in the operation of the new iVotronic touch screen voting machines, a law-enforcement deputy, the requisite number of voting machines with the paraphernalia that accompanied them, and the other documents, forms, equipment and records required by law or rule [T: 93-94, 985, 987].

Conducting a successful county-wide election in a county with more registered voters than any other county in Florida required careful preparation, clockwork precision, properly trained personnel, clearly assigned missions, efficient logistical organization, strong executive leadership, a good communications system, and equipment in tip-top shape, in the right place at the right time. The new computerized voting machines, 200 new precincts, a reapportioned and redistricted county, and about 5,000 paid election-day workers raised from the community, was a challenge to manage under the best of conditions. Degraded conditions increased the likelihood of an election disaster.

The Governor alleged that 24 precincts opened late. That charge has four possible interpretations. The first is that the doors were physically opened after 7 a.m., the hour set by §100.111, F.S. The next is that the doors were opened at 7 a.m., but a sufficient number of poll workers were not yet present to assist the voters who were lined up to vote. A third possibility is that the doors were open at 7 a.m., and the polling place was sufficiently staffed, but that there was no operating iVotronic touch screen machine ready to accommodate the first ready voter. Getting iVotronic units to work on election morning meant assembling them,

getting power to them, and booting them up properly and timely [R: 29 @ 20]. A fourth possibility is that the doors were open, there was sufficient staff present, at least one of the machines at each precinct's polling location was booted up, but that it malfunctioned when the first voter attempted to use it.

Furthermore, the Governor charged that 13 of the 24 "late openings" were due to lack of supplies, presumably referring to the "blue bags" that contained the precinct registers, the poll worker payroll, the sealed clear plastic container containing the personal electronic ballots (PEBs), the provisional ballots, the Ballot Report form, and other necessary items.

I find that at least 13, and perhaps as many as 30, "blue bags" had not been picked up by the precinct clerks or otherwise delivered to their pre-assigned polling locations by 7 a.m. on election day [R: 51(b)].

The foregoing finding is supported by the testimony of Poll Worker Manager Pat Nesbit. She first became aware of the situation at around 9 p.m. on Monday, September 9, 2002, when co-worker Damion Robinson, an outreach department worker, told her that more than 30 "blue bags" that were assigned to precincts all over the county still had not been picked up by the assigned poll workers [T: 1021-1022]. Within an hour or so after Ms. Nesbit got that information, Deputy Supervisor Foeman and Finance Director Barbara Adams came to Ms. Nesbit's desk at the main office and asked her what should be done [T: 1024]. Ms. Nesbit suggested that Mrs. Adams obtain a list of the employees of the supervisor's office and start calling them and instructing them to report to duty at 5 a.m. the next morning, election day. Ms. Nesbit's ad hoc plan that she proposed called for some of the undelivered "blue bags" to be given to each early-arriving employee, along with a map and directions to the applicable polling places [T: 1024]. Mrs. Adams' response was that she was not going to call people at that time of night [T: 1026]. Mrs. Adams then said "we'll take care of this" and she and Deputy Supervisor Foeman walked away [T: 1026]. Ms. Nesbit and her staff left the office at about 10 p.m. [T: 1027] and returned to work at 5:30 a.m. on election day. They began to phone the polling place locations of any precinct that had apparently not yet retrieved the required "blue bag." She tried precinct phone numbers, home phone numbers, cell phone numbers, and the phone numbers of the polling place locations [T: 1028]. Early on election morning, Ms. Nesbit received a call from Deputy Supervisor Foeman instructing her to direct any employee arriving at the main office to report to the Voting Equipment Center (warehouse) to assist in making the deliveries [T: 1029].

Deputy Supervisor Foeman also testified at the Senate hearing. He said that he had no recollection of the specifics of his September 9th three-way, in-person, 10 p.m. conversation with Nesbit and Adams [T: 400]. However, he described the general situation of the undelivered "blue bags" as a "big problem . . . an emergency" [T: 395]. He testified that he first got wind of the undelivered "blue bags" at around 4 p.m. on September 9th [T: 394] and that when he left the warehouse to go home at about 10:30 p.m., he personally took and "tried to deliver the 'blue bags' that were in my area . . ." [T: 393]. Deputy Supervisor Foeman testified that he had no knowledge of when Supervisor Oliphant first learned about the "blue bag" problem, but he acknowledged that she had attempted to reach him by phone at his home that night, probably after 10:30 p.m., based on a voice mail message that Mrs. Foeman told him about as she left their house on election day morning [T: 401].

Nothing that Deputy Supervisor Foeman or Finance Director Barbara Adams had to say directly controverted the core of Pat Nesbit's testimony on the "blue bag" issue. Supervisor Oliphant chose not to testify about it.

The Governor charged that the remaining 11 "late openings" were due to "a lack of personnel." The record is not clear whether he meant lack of Supervisor of Election's office staff or lack of election day poll workers. However, the evidence shows that between 13 and 30 poll clerks didn't show up to pick up their "blue bags" at the appointed time and place—a phenomenon that was and remains clearly foreseeable and for which every supervisor must have contingency plans to cover. According to Deputy Supervisor Foeman, Supervisor Oliphant's operations plan "just failed to include that as part of the contingency" [T: 443]. Although Supervisor Oliphant did not take the witness stand to offer a specific defense to Specific Charge Two, from the documentary evidence submitted on her behalf, from her attorney's arguments, and from his examination of the witnesses he called on her behalf or his cross examination of the Governor's witnesses, it appears that Supervisor Oliphant was asserting three defenses:

- a) Sabotage—the active, intentional acts of sabotage, primarily by Poll Worker Manager Pat Nesbit,
- b) Reasonable Reliance on Others—that she was entitled to rely on her high-level management staff to do their respective assigned tasks correctly, with a full measure of energy, loyalty, and dedication to the Supervisor, her goals, and her programs, and
- c) Insufficient funding—by the Broward County Board of County Commissioners to run her office for the fiscal year ending September 30, 2002.

The Governor proved that 24 of the 809 precincts “opened late”; that the level of funding had little to do with the failure of several dozen or so precinct clerks to show up to pick up their “blue bags” on the day before the election; and that Supervisor Oliphant had no effective contingency plan in place prior to election day to cover that foreseeable state of events.

I find that the facts alleged in Specific Charge Two were PROVED.

SECTION ONE
SPECIFIC CHARGE THREE
[Whereas clause 7 of EO 03-219]

In reference to the September 2002 primary election, Supervisor Oliphant failed to authorize her staff to notify the precincts until approximately 6 p.m. of an Executive Order received at 3:41 p.m. to extend the polling hours until 9 p.m., resulting in many precincts closing at 7 p.m., in direct violation of Executive Order 02-248.

FINDINGS

William C. McCormick, Jr., President of the Ft. Lauderdale branch of the NAACP, had organized a system to receive information from volunteer monitors reporting voting day problems. At about 7:10 a.m. on September 10, 2002, primary election day, he became aware that some of the polls were not yet ready for business at 7 a.m., the time set by law [T: 1355]. He called Supervisor Oliphant on her cell phone and told her that “someone needed to get out and rectify the situation.” Mr. McCormick suggested that the poll closing time ought to be extended and he offered to call Governor Bush, personally, to ask that the times be extended to compensate for the times that the Broward County polls were required to be open but were not. She agreed [T: 1356]. Mr. McCormick got through to Governor Bush on the Governor’s cell phone about noon [T: 1365] and asked him to extend the poll closing times in Broward County. Governor Bush said he would look into it [T: 1366].

Mr. McCormick’s plea apparently moved Governor Bush to immediate action. In less than 4 hours, input was received from Secretary of State Smith, Attorney General Butterworth, the President of the Florida Association of Supervisors of Elections, the Chairman of the Republican Party of Florida, and the Chairman of the Florida Democratic Party [G: 5(b)]. The Order extending the poll closing times statewide to 9 p.m. was researched, drafted, signed, attested, filed, and clocked in at Supervisor Oliphant’s office fax machine by 3:41 p.m., less than 4 hours after McCormick’s call.

There were three diverging versions of what happened between about 4 p.m. and 6 p.m. that afternoon.

Defense witness Rick Riley had been providing Supervisor Oliphant’s office with marketing, public relations, and advertising services since spring of 2002 [T: 1169 & 1179]. Sometime after 3:45 p.m. he phoned Pat Nesbit to tell her to mobilize her department to start calling the poll clerks to get the word out about the extension. Mr. Riley categorically denied telling Pat Nesbit to wait until receipt of a written statement that was being prepared by Supervisor Oliphant to be read to the clerks and the press [T: 1174 & 1175].

Pat Nesbit, a witness for the Governor, had a different recollection of the events of that afternoon. She and about 40 office personnel were in the central office at the receiving end of 42 phone lines [T: 1126]. Their job was to answer incoming calls from precinct workers seeking to verify voter status [T: 1117]. Some of the precinct workers who called said they had heard that the polling time was extended [T: 1118]. When asked, Nesbit would tell each inquiring clerk that the polling location would have to remain open until 9 p.m. [T: 1118]. Nesbit also testified that both Deputy Supervisor Walter Foeman [T: 1154] and about a half hour later, Rick Riley [T: 1130] called her from the voting machine warehouse.

Nesbit testified that Mr. Riley told her that he was calling on behalf of Supervisor Oliphant [T: 1136] and to delay contacting the precincts to alert them of the Executive Order until he had a written statement to be read [G: 5a]. She said that he also told her not to make any statements to poll workers about extending the 7 p.m. closing until she received the written statement that he was preparing [T: 1120] and that Supervisor Oliphant wanted a uniform statement to be read to each precinct clerk [T: 1119]. Nesbit said that she and the employees under her direction waited until 6:04 p.m. when the written statement was received [G: 5a] [T: 1121]. Nesbit and her staff then started making outgoing calls to precinct personnel.

Deputy Supervisor Walter Foeman, a witness for the Governor, had yet a different description of events. He said that after the Executive Order arrived at 3:41 p.m., Supervisor Oliphant directed him to prepare a fax sheet or release [T: 404]. Rick Riley actually prepared the draft for him [T: 404] and Deputy Supervisor Foeman reviewed it [T: 404]. The draft apparently went back and forth three or four times between Riley and Foeman. An hour or more was thus expended in preparing the two paragraph document [T: 408] entitled Extended Hours & Closing Procedure [G: 5(d)]. Supervisor Oliphant gave it her final approval by phone [T: 407].

I find that what probably occurred in the pandemonium between 4 p.m. and 6 p.m. on September 10, 2002 was that Pat Nesbit was told that an information sheet was being prepared so that the message to the precinct clerks would be uniform, and would contain revised closing instructions to be implemented uniformly throughout the 809 precincts. In the chaos, she probably read more into this message than was intended. In any case, even if she did, the one hour or so of extra delay occasioned by preparation of Governor’s Exhibit G: 5(b) was not untoward, given the circumstances, and there was no credible proof adduced that Supervisor Oliphant failed to authorize her office staff to notify the precincts of the extension until approximately 6 p.m. In fact, 777 precincts did get the word and stayed open in obedience to the Executive Order. Thirty two precincts out of 809 closed at 7 p.m. [T: 460]. Of these 32 precincts, some never received the message to extend. Others received it but closed down anyway, for a variety of reasons, including having workers with prior commitments elsewhere or having overriding personal necessities to attend to [R: 1 @ 463].

My conclusions regarding this Specific Charge assume the legality and validity of Executive Order 02-248. The Legislature’s attention to elections emergencies first came into focus in a 1988 House Ethics and Elections Committee interim study entitled “Does Florida Need an Elections Emergency Law?” The committee’s answer was “yes” but it wasn’t until 1992 that an elections emergency law was enacted. Sections 101.731 through 101.741, F.S., authorize the Governor to “suspend or delay” an election by issuing an executive order declaring that an election emergency exists. That law requires the Governor to “reschedule” the suspended or delayed election after formal public notice is given, prior to the date of the rescheduled election. Neither the statute nor the implementing rule of the Department of State appears to me to include or contemplate a governor simply extending the polling hours by an Executive Order issued on the day of the election after the polls have opened. However, Governor Bush is entitled to the benefit of the doubt on the point because the issue of the Governor’s power to change the law by Executive Order, in this case to extend the statutorily-set 7 p.m. poll closing time, was not raised by Supervisor Oliphant in the Senate proceedings.

In the September 2002 primary election, Florida had 6,717 voting precincts statewide. Whether 24 late openers in Broward County plus some unspecified but probably similar number of them in Miami-Dade County, (which together totaled perhaps about one half of one percent of Florida’s precincts) constituted an “election emergency” warranting the extension of voting hours statewide was a determination made by Governor Bush. The Senate is not called upon here to evaluate that decision.

But, do 32 out of Broward’s 809 precincts constitute “many” as charged by the Suspension Order? Some would say that if just one precinct’s polling location out of Broward’s 809 had closed before 9 p.m., that one was one too many. Others could say that 32 out of 809 (which is 4%) does not constitute “many.” Given the vague and unquantified allegation, I find simply that 32 out of 809 constitutes 4% of the voting precincts in Broward County and that it was PROVED that 32 precincts’ polling places closed before 9 p.m. It was NOT PROVED that Supervisor Oliphant “failed to authorize her staff to notify the precincts until 6 p.m.”

SECTION ONE
SPECIFIC CHARGE FOUR
[Whereas clause 8 of EO 03-219]

In reference to the September 2002 primary election, there were insufficient technical support personnel at the call center which delayed the relay of vital information to the precinct clerks and regional sites.

FINDINGS

In the 2000 election cycle, the Broward County call facility had inadequate telecommunications equipment to handle the election day call volume [T: 643]. Furthermore, the number of people needed to staff a proper facility would not have fit in the central office to staff it [T: 644]. Early in her term, Supervisor Oliphant apparently decided to build an off-site call center. Supervisor Oliphant was fully committed to making this improvement and in 2001 told Paul Craft from the state elections division that she had arranged a community partnership to set it up [T: 1781]. Supervisor Oliphant set two of her employees, Harley and Eldridge, to the task of establishing the new call center at Nova University [T: 660]. When Ken Leb, an information technology specialist, came aboard, he assumed the responsibility to complete the call center [T: 547].

The new call center would have 144 incoming phone lines [T: 1135] but no capacity to make outgoing calls [T: 1135] [T: 435] [T: 441]. Telephone banks would handle public, technical support, and voter verification calls from the polling places [G: 56 @ 4]. The plan was for Nova personnel to run the call center [G: 56 @ 4] with oversight by the Supervisor of Elections [T: 546]. Cities were to provide staff to help out [T: 570]. The county would help fund the call center by reimbursing the supervisor for costs of the phones, the staff pay, and additional computer connections to the central office [T: 643-644]. Mr. Leb was to provide the training program for the call center staff [T: 550].

The Governor's allegation in Specific Charge Four was taken verbatim from a conclusion in Secretary Hood's November 19, 2003 Final Report [G: 61 @ 3].

It may very well be that for the September 2002 primary election, the Nova Call Center had insufficient technical support staff, but there was no significant evidence presented by the Governor to support that charge. Testimony by the Governor's witness, Assistant Secretary of State Candice Crawford, on cross-examination, that her November 19th report to the Governor "didn't deal with the Nova Call Center" and that she "didn't know if there was sufficient or insufficient personnel at the call center" on September 10, 2002 [T: 2010] further defeats this charge.

The facts alleged in Specific Charge Four were NOT PROVED.

SECTION ONE
SPECIFIC CHARGE FIVE
[Whereas clause 9 of EO 03-219]

In reference to the September 2002 primary election, 268 absentee ballots postmarked between September 4th and September 9th were never clocked in, canvassed, or counted and, in fact, were discovered approximately a year later in a file cabinet in the Broward County Elections Office.

FINDINGS

The two major players in the October 2002-January 2003 saga of the 268 missing, uncounted, then found absentee ballots from the September 10, 2002 primary were Carol Hill, then the supervisor in the absentee ballot department, and Mary Hall who had worked in the supervisor's office for 16 years in the voter registration and absentee ballot areas [T: 933].

The four minor players were JoAnne Sterner, the network administrator; Glen Davis, the mailroom supervisor; Joe Cotter, the Deputy Supervisor who succeeded Walter Foeman on September 23, 2002; and Broward County State Attorney Investigator John F. Hanlon, Jr.

In September 2002, the Broward County Election Supervisor's mailroom and adjoining mail processing area were full of boxes of returned registration cards piled on desks and chairs "willy-nilly" [T: 1454]. The place was in complete disarray [T: 1454]. The mailroom employee at the

time came to work sporadically and, occasionally, in an intoxicated condition [T: 1456]. It is probable that he failed to pick up the 268 absentee ballots from the post office on election day and that they were not received in time to be counted [T: 938]. Clearly they were not canvassed by the canvassing board [T: 1453] even though they had postmarks ranging from September 3rd to September 9th 2002 [T: 1456]. In any event, they were not stamped in, properly processed [T: 1457], or counted [T: 938]. The ballots apparently just got buried under a lot of other incoming mail.

Absentee Ballot Supervisor Carol Hill, who was not called to testify at the Senate hearing, had acknowledged to State Attorney's Office Investigator Hanlon when he interviewed her sometime in January 2003, that she had found 268 absentee ballots from the September 10, 2002 primary election buried under a pile of returned voter registration cards in the mailroom [T: 1454]. Carol Hill had told Mary Hall about the discovery sometime in October 2002 [T: 938]. Carol Hill acknowledged before all in attendance at an October 2002 staff meeting, including Deputy Supervisor Joe Cotter, that she had put the found absentee ballots away in a file cabinet drawer [T: 939]. Joe Cotter's response was not to demand their immediate production, but to announce his determination that such an occurrence would not happen again in the upcoming November general election [T: 939].

Although it probably was Carol Hill [T: 665] [T: 1458] [T: 938], there is no absolute proof as to who put the tray(s) containing the postmarked, stacked, and bundled but still sealed ballot envelopes that had not been canvassed [T: 1453] or time-stamped [T: 1455], in a file cabinet drawer.

Joe Cotter and Mary Hall both confirmed to Investigator Hanlon that the discovery of the 268 uncounted ballots was not brought to Supervisor Oliphant's personal attention at the time of their discovery. Supervisor Oliphant also confirmed, in a June 15, 2003 interview with Investigator Hanlon, that she had not been told at the time of Carol Hill's September discovery of the ballots in the mailroom.

Then, about 4 months later on January 20, 2003, Mary Hall was looking for some folders in a drawer of a file cabinet located near her desk area in the main office of the Broward County Supervisor [T: 940]. When she opened the unlocked drawer, she saw a bin with some white paper covering it. She moved the paper and uncovered the 268 absentee ballots [T: 941]. She had not known that the subject absentee ballots were in that drawer in that filing cabinet [T: 943]. She immediately notified Ken Leb, by then the Acting/ Interim/Deputy Supervisor of Elections. The next day the State Attorney's Office came in, subpoena in hand, and confiscated the ballots [T: 943].

Defense witness JoAnne Sterner testified that from her office near the mailroom, "several days [T: 814] after the September election" [T: 816], she overheard Mary Hall laughing and saying "I don't believe it, there's some ballots back here that haven't been taken over to the . . . voting equipment center" [T: 799].

I find that Ms. Sterner's testimony was believable as to what she heard, but it was probably misplaced in time and as such, does not overcome the direct sworn testimony of Mary Hall on the issue of the timing of the discovery of the 268 ballots.

I also find that the file cabinet in which the 268 ballots in question were placed was a cabinet assigned to Carol Hill for her outreach duties and, in a subsequent furniture move between mid-September 2002 and January 20, 2003, the cabinet was relocated to Mary Hall's work area [T: 961].

The facts alleged in Specific Charge Five were PROVED.

SECTION TWO
SPECIFIC CHARGE SIX
[Derived from Attachment "W" to EO 03-219]

Supervisor Oliphant unlawfully overspent her budget in FY 2001-2002, resulting in a significant \$936,328 deficit at the end of that fiscal year. This serious overspending resulted from her failure to stick to her budget and control or monitor her office's authorized expenditures.

FINDINGS

In Florida, Supervisors of Elections receive substantially all of their funding by their Board of County Commissioners [M: 4]. Other minor funding sources are grants and fees for services provided to the public.

All supervisors must certify an annual proposed budget to their Board [§129.201(1), F.S.]. The Board may amend, modify, increase, or reduce any or all items of expenditures in the supervisor's proposed budget [§129.201(4), F.S.]. The supervisor's budget is then included in the general county budget [§129.201(7), F.S.], specifically subject to the same provisions of law as the county annual budget [§129.201(8), F.S.] namely, it must balance at the end of each fiscal year [§129.01(2)(b) and §129.07, F.S.]. All fees received for services rendered and unexpended balances at the end of each fiscal year are "refunded to the Board of County Commissioners . . ." [§129.202(1)(f), F.S.]. But for the fees and grants received from non-county sources, a supervisor is virtually totally dependent on and at the will of his or her Board for funding.

At the same time, the law preserves the "independence of the Supervisor of Elections" from the Board of County Commissioners concerning the purchase of supplies and equipment and the hiring, firing, and setting of salaries of personnel [§129.202(2), F.S.].

As a result of this delicate balance, it becomes apparent to even the most casual observer of county governmental operations that a supervisor's professional and public relationship with his or her Board forms a crucial part of how the supervisor's budget will be funded. Because of chilly relationships carried forward from prior political alliances, Supervisor Oliphant's relationship with her Board got off to a bumpy start. It went down hill from there.

FISCAL YEAR 2000-2001

Supervisor Oliphant took office in January 2001, 3 months into FY 2000-2001 [M: 1]. She continued operations for her initial 9 months in office under her predecessor's FY 2000-2001 budget.

For FY 2000-2001, the Board of County Commissioners had provided the supervisor \$5,036,580 [M: 4 @ 4]. The two supervisors together expended \$3,646,301 of that for personnel, \$1,302,188 for operating expenditures, and \$88,091 for Capital Outlay. In FY 2000-2001 the Board charged the two supervisors a total of approximately \$54,000 for communications, motor pool, warehouse, and maintenance services provided by the county. The supervisors had provided various services and documents such as precinct maps and voter lists to the public for a fee, the result of which the supervisor remitted approximately \$194,000 to the Board during the fiscal year ending September 30, 2001. The statutorily-required independent audit tests for FY 2000-2001 disclosed the supervisors' full compliance with *Government Audit Standards*, no material weaknesses in the office's internal financial controls, no violations of law, rules, or regulations, no illegal or improper expenditures, no improper or inadequate accounting procedures, and no instances of fraud or fraud related risk factors [M: 4]. Supervisor Oliphant actually remitted \$672 to the Board on September 30, 2001. Her first (partial) 9-month fiscal year audit, done by a local independent CPA firm under a 5-year auditing services contract, earned Supervisor Oliphant a good grade [M: 4].

FISCAL YEAR 2001-2002

By May 2001, Supervisor Oliphant had 4 months to have observed and become familiar with the daily operations of her new office. By April she had hired a finance director with responsibility for budget and audit matters and with additional duties as executive liaison and project assistant [T: 881- 883]. However, Supervisor Oliphant's 2001-2002 budget request was developed primarily by her deputy, Joe Cotter. The proposed budget was submitted to the Board around May 1st [T: 188]. Supervisor Oliphant requested approximately \$7 million. After negotiations with Board staff, the Board allotted her \$5,342,300. Then in June 2002, the Board granted Supervisor Oliphant's request for an additional \$165,000 for equipment and warehouse costs. The Board also granted the supervisor's request in late August 2002 for an additional \$329,895 for a phone bank and one-time operational expenses for the September 2002 election. The County Budget Office also provided \$54,000 to cover employees' group health insurance premium costs of the Supervisor of Elections office. Thus Supervisor Oliphant received a total of \$5,891,195, plus the proceeds of a \$603,429 state grant for voter education and poll worker recruitment and training for the fiscal year [M: 5 @ 10].

On August 16, 2001, at a budget meeting of the Board of County Commissioners, Supervisor Oliphant expressed her appreciation to the County Administrator for his cooperation in finalizing her FY 2001-2002 budget. She publicly acknowledged that "no office receives everything they request." She also stated that what they gave her, plus the \$603,429

in state funds the grant provided, represented "a fair and reasonable budget compromise, and should adequately fund the services and operations for the Office of Supervisor of Elections in the next fiscal year" [R: 28(b) @ 2].

Her total budget was \$6,494,624, but by the end of FY 2001-2002, Supervisor Oliphant's office had expended \$7,430,952 (\$4,048,681 for personnel, \$2,662,953 for operating expenditures, and \$719,318 for capital outlay). On September 30, 2002, Supervisor Oliphant's account was \$936,328 in the red [G: 16] [M: 5 @ 4, 10, 12].

About a week before the end of the deficit fiscal year, the Board directed its Commission Auditor, N.W. Thabit, CPA, to conduct an "Expenditure Review" of Supervisor Oliphant's financial situation as of September 30, 2002. His 50-page report [G: 16] was thorough, detailed, and critical.

Some of the highlights of his 34 findings were:

- a) Supervisor Oliphant's office ended the year 15.64% in the red [G: 16 @ 3];
- b) The official number of budgeted employees was 62 [G: 16 @ 7];
- c) The number of employees at the beginning of the year was 68 [G: 16 @ 7];
- d) The number of employees at the end of the fiscal year was 72 [G: 16 @ 7];
- e) Staff salaries were \$514,254 over the budget [G: 16 @ 9];
- f) Supervisor Oliphant routinely made advance payments to vendors and that was against the law [G: 16 @ 39];
- g) Supervisor Oliphant failed to insist on the deliverables after some contracts had been paid [G: 16 @ 41-43];
- h) Supervisor Oliphant's staff purchased a \$146,609 file server without competitive bids—not illegal but not smart [G: 16 @ 45];
- i) Supervisor Oliphant failed to implement a budget and expenditure accounting by task, activity, and project [G: 16 @ 47];
- j) Supervisor Oliphant condoned the issuance of purchase orders in excess of available budget [G: 16 @ 47]; and
- k) Supervisor Oliphant had a faulty receiving system for goods and services [G: 16 @ 48].

In Supervisor Oliphant's answer to Mr. Thabit's evaluation [G: 17] apparently prepared for her by her Finance Director, Barbara Adams [T: 914] and approved by Supervisor Oliphant [T: 915], she formally agreed with each and every one of the critical findings and she gave her written assurance that she would promptly develop and implement policies and procedures regarding accounting controls, bidding, procurement, contracts, operations, and management of the office [G: 17 @ 7].

To further validate Mr. Thabit's conclusions, Supervisor Oliphant's independent auditor concluded in a formal audit report covering the same period that "the budget deficit of \$936,328, at September 30, 2002, is a result of overspending due to a lack of effective monitoring of budget to actual" [M: 5 @ 10, 13]. The independent auditor found "improper or illegal expenditures . . ." [M: 5 @ 14] and "significant deficiencies in the design or operation of the internal control over financial reporting . . ." [M: 5 @ 14]. The audit reported that checks were all signed by one authorized officer but the management-level supervisors routinely did not sign off on the invoices supporting them, or even the payroll register. Proper signatures would have indicated that those documents had been approved by the appropriate line managers before payment. Absence of those signatures raises the opposite inference.

In her formal response to the independent auditor's comments in the management letter, Supervisor Oliphant said that she would "enhance the position of finance director by seeking to hire a qualified accountant with requisite governmental experience. The new director will be responsible for budgeting, accounting and finance processes of the Supervisor of Elections office. The finance director will be directly accountable to the Supervisor of Elections" [M: 5 @ 18]. It is reasonable to infer from Supervisor Oliphant's response to the independent auditor's highly critical audit comments, and from Mrs. Adams contemporaneous demotion from Finance Director to Executive Assistant (with its accompanying pay reduction) [T: 907], that the supervisor would seek a new Finance Director with the governmental accounting experience and accounting certification that Mrs. Adams lacked.

FISCAL YEAR 2002-2003

For FY 2002-2003, her last full fiscal year as supervisor, the Board of County Commissioners provided Supervisor Oliphant with \$6,864,359. Her total expenditures for the same period were \$6,312,842. The FY 2002-2003 surplus of \$551,517, which was applied to reduce the deficit from the prior year from \$936,328 to \$384,811 [G: 6 @ 4], resulted mostly from \$920,252 in emergency supplemental funds the Board provided at the supervisor's request on April 30, 2002.

Supervisor Oliphant did not testify as to her defense of Specific Charge Six; however, based on the testimony of her witnesses, and on the spirited cross examination by her attorney of several of the Governor's witnesses, Supervisor Oliphant essentially blamed the actions and omissions of others for the overspending and subsequent general financial problems in her office. For example:

- The Board of County Commissioners

Unlike her witness, Ion Sancho, the Leon County Supervisor of Elections who nurtured a positive and accommodating relationship with the Board of County Commissioners in Leon County, a relationship that permitted him to come to it with reasonable and documented funding requests and then get much of the funding he requested, the Broward County Board of County Commissioners essentially starved Supervisor Oliphant out of office [T: 48].

Furthermore, the Board forced on her the "ugly beast" of iVotronic touch screen voting machines that were too labor intensive and unreliable [T: 47] and then making matters worse, they gave her insufficient funds to train for and staff their use in the September 2002 primary [T: 58]. Supervisor Oliphant's attorney suggested that the Broward Commission purchase of the \$17.3 million ES&S iVotronic system over its competitors was influenced by aggressive lobbying by ES&S and an overly cozy relationship between the negotiating parties; however, the evidence presented was not clear as to the reasons for the Commission's choice of vendor. In any case, 5,100 ES&S voting machines and the associated tabulating equipment were purchased with all their promises and problems. Almost immediately after the Board decided on the purchase, Supervisor Oliphant started and apparently maintained a steady campaign of public information as to why the Board had made the wrong choice.

The iVotronic system was used for the first time in a county-wide Florida election in the September 2002 primary. The next county-wide use was the November 2002 general election. From most of the reports, it seems that the machines themselves worked well, so well in fact that the November general election earned the label of "successful." So after the actual November experience had shown that when properly supported, the iVotronic machines could do the job in a Broward county-wide election, instead of getting behind the new equipment and focusing on finding a permanent way to make the new voting system work, Supervisor Oliphant continued to criticize the Board. She persisted in her quest to show the public and the Board the error of the Board's decision. Thus, it is no surprise that the Board was not in a generous mood toward Supervisor Oliphant.

- Richard Wallsmith

He was Supervisor Oliphant's CFO from February 2003 [T: 484] until she fired him in the early part of October 2003 [T: 512]. He was hired to dig the office out of the \$936,328 deficit, to "cut the bleeding" [T: 488], to honor the promises that Supervisor Oliphant had made to the Board that she would institute her written response to the Thabit report [T: 485], to freeze hires and raises [T: 488], and to ramp up for the oncoming March-May budget discussion with County Commission's staff.

In April 2003, Mr. Wallsmith began the normal budget negotiations for FY 2003-2004 with the Commission's staff. He advised Supervisor Oliphant to ask for \$14.7 million [T: 506]. Supervisor Oliphant apparently believed that he then sabotaged her by cutting a deal behind her back, telling county budget staff that she would settle for \$9.7 million, including the value of certain county-provided services [T: 507].

Curiously, Supervisor Oliphant appeared to have placed no blame for the illegal deficit condition in FY 2001-2002, or the irregular financial practices during that same year, on the obvious responsible target—Barbara Adams, her Finance Director who presided over budget, spending, and finance matters between April 2001 [T:

881] and some time around November or December 2002 when she became Supervisor Oliphant's personal executive assistant [T: 590]. Mrs. Adams had been responsible to the supervisor for budget and finance matters during the entire fiscal year in which the illegal deficit was incurred.

- Decennial redistricting/reapportionment—the creation of 200 additional precincts (and election boards) further aggravated Supervisor Oliphant's financial predicament.

The Governor, through his counsel, asserted several points in response. He argued that Supervisor Oliphant "frittered away public funds" for things such as \$132,000 in unnecessary renovations to enlarge her personal office suite [T: 32] [T: 195] [T: 1407]. He emphasized that it was illegal for a county officer to end the year in the red, no matter what, and that it was Supervisor Oliphant's legal duty to reduce her expenditures so that the totals would balance at year's end, or to cajole, beg, or entreat the Board to provide supplemental funds. The Governor also argued that because Supervisor Oliphant apparently made expanded outreach her primary goal (she had requested 18 slots for outreach of which the Board approved only two [T: 185]), she brought on her own financial problems by shifting funds from other necessary purposes to expand the office's outreach efforts and even hire a new outreach coordinator.

To summarize the relevant statutory requirements applicable to a supervisor's fiscal responsibility, all expenses incurred in a supervisor's fiscal year must be vouchered and charged to the budget for that year [§129.202(1), F.S.]. This same law gives every supervisor the option to draw his or her own checks to pay authorized budgeted expenditures for operating the office. If a supervisor does not exercise that option, then the Clerk of Court (acting as the Clerk of the Board of County Commissioners) or the county financial officer writes the checks upon receipt of "bills approved by the supervisor" for "all expenses requisitioned by the supervisor." Clearly, the latter method provides an additional layer of financial control that is absent if the supervisor personally, or the supervisor's CFO personally, or worse yet, an employee of the supervisor's office with authority to use a facsimile signature, handles the check writing task in-house. It must be said in fairness to Supervisor Oliphant that her in-house check writing practice was an inherited one which continued the practice of her predecessor supervisor. Nevertheless, the bottom line remains that the legal responsibility during her term of office to keep overall expenditures within income was Supervisor Oliphant's non-delegable duty. A supervisor may have a finance director or a CFO that takes care of all the day-to-day transactions, but the legal responsibility to stay within the budget and to keep proper and balanced accounts must rest somewhere. In my view, that somewhere is on the supervisor's desk. The law requires nothing less [§129.202(1)(d), F.S.].

Unlike a county commissioner's exposure to criminal liability for voting for excess indebtedness or payment made without authority of law [§129.07, F.S.]; or the specific exposure to criminal penalties and risk of suspension for malfeasance for knowingly and wrongfully doing so [§129.08, F.S.], no similar specific penalties or consequences apply to similar conduct by a supervisor of elections.

Unlike a municipal officer's exposure for expending or contracting to expend funds except pursuant to budgeted appropriations [§166.241, F.S.], no similar specific provision applies to similar conduct by a supervisor of elections.

Unlike a state agency officer's exposure to criminal liability for spending money in excess of the amount appropriated, and the additional risk that any contract doing so is null and void [§216.311, F.S.], no similar specific penalties or consequences apply to similar conduct by a supervisor of elections.

Thus, the primary effective tool remaining in a governor's hands to control an overspending supervisor of elections is the one that Governor Bush used in this case: suspension based on misfeasance in office.

On November 15, 2002, Supervisor Oliphant formally admitted that she had seriously overspent or overencumbered her FY 2001-2002 budget [G: 17]. At the Senate hearing in July 2004, she chose not to testify on the point. Thus her office's budget deficit condition, as of September 30, 2002, stands uncontroverted. The several defenses alluded to by her counsel's argument or during his examination of witnesses, such as the Board's intentionally parsimonious budgeting of

funds for Supervisor Oliphant's office, are insufficient to overcome the evidence that was offered against her on Specific Charge Six.

The facts alleged in Specific Charge Six were PROVED.

SECTION TWO
SPECIFIC CHARGE SEVEN
[Whereas clause 22 of EO 03-219]

In reference to the municipal mail-in election held in Broward County on November 4, 2002, at least 17,000 mail-in ballots out of 100,000 were returned as undeliverable, and an uncertain number of mail-in ballots were deliverable but thrown away because the addressees had moved.

FINDINGS

Abundant, clear and convincing evidence was produced that approximately 17,000 out of about 100,000 mail-in ballots that were mailed by the supervisor's office for the November 4, 2002 municipal elections were returned as undeliverable.

However, proof that 17,000 out of 100,000 ballots were returned as undeliverable, by itself, establishes no violation.

The Leon County Supervisor of Elections was called as a witness by Supervisor Oliphant. Mr. Sancho, after qualifying as an expert witness, opined that 17 percent for returned ballots in a mail-in election was "in line" [T: 2126]. He testified also that returns state-wide due to address errors averaged between 17-24 percent [T: 2124].

On the other hand, current Broward Deputy Supervisor Gisela Salas, who for 15 years was senior staff and then second in command in the Miami-Dade County Supervisor of Elections office, expressed her view that the 17,000 returned undeliverable ballots out of 100,000 mailed in Broward County were the direct result of insufficient or inadequate list maintenance activity, namely failure by the suspended supervisor to carry out her mandatory duty to ensure "the maintenance of accurate and current voter registration records" [§98.065(1), F.S.] [T: 149].

Whether 17,000 out of 100,000 is too many, too few, or just about right is a matter of opinion. What is more important than the differing opinions of two experienced elections officials on this charge is the underlying issue of list maintenance.

Proper list maintenance has two components: 1) daily, ongoing transactional maintenance, and 2) the biennial registration list program as specified by law.

Ongoing maintenance recognizes that information on voter status is dynamic and comes in to the supervisor's office every day [T: 1321]. New registrants are entered, registrants move within the county, and events occur that remove yet others. Ongoing maintenance depends on weekly updates received from the Clerk of Court of felony convictions, on monthly vital statistics reports from the state, on mailings received from other jurisdictions showing voter registration elsewhere, and on walk-in and mail-in changes of address.

The second type, biennial maintenance, is required in odd-numbered years [§98.065(2), F.S.]. Bruce Eldridge was called as a defense witness. He had been in charge of information technology in the Broward County Supervisor's office since 1993. He testified that daily ongoing maintenance was carried out routinely and without interruption throughout his employment, and that Supervisor Oliphant's predecessor, Supervisor Jane Carroll, did the required biennial maintenance in 1995, 1997, and 1999. He testified that there was no biennial maintenance during Supervisor Oliphant's term of office, either in 2001 or in 2003.

It is not necessary to go into the mechanics of the three statutory options for biennial maintenance except to note that it was and is up to each of the 67 supervisors to select the method he or she determines is the most effective for his or her county. Each procedure has its relative advantages in length of time required to accomplish, or cost, or simplicity, or labor intensity necessary. Broward County had historically used §98.065(2)(a), F.S., the so-called NCOA vendor method.

Mr. Eldridge attributed the failure to do biennial list maintenance in 2001 to prohibitions associated with the federal court case of *National Association for the Advancement of Colored People, Inc. (NAACP) et al. vs. Harris, Roberts, et al.*, Case #01-0120-CIV. Although the case was not

settled by Supervisor Oliphant until May 2002, and although the list maintenance aspects of the case dealt with felons wrongfully removed from the Central Voter File or from a county registration list under a law that was repealed by the Legislature in 2001, the list management section of the NAACP suit settlement covered more than just the felon issue. Section E.2. of the settlement refers to "voters dropped from the official list of registered voters as a result of their failure to vote in the 2000 election" [G: 66]. Mr. Eldridge testified that paragraph E.2. "was not applicable at this time. The drop for failure to vote in 2000 does not occur until we had that drop, so that did not apply" [T: 1346]. Thus, the dropped voters issue was not foreclosed by the NAACP law suit.

In short, I find that the then-pending NAACP law suit did not legally preclude Supervisor Oliphant from doing all forms of the statutorily required biennial list maintenance in 2001.

As for 2003, Supervisor Oliphant's defense for not doing biennial list maintenance was based solely on lack of funds.

During FY 2002-2003, Supervisor Oliphant's funding level was \$6,864,359. NCOA list maintenance would have cost about \$70,000 [T: 1329]. I reject her counsel's claim of financial impossibility as an excuse for non-performance of a statutorily mandated duty, especially where Supervisor Oliphant had some authority to move money from one part of her operations budget to another. Her earlier moving of money for the outreach area demonstrates that she knew how to make such transfers.

I find that Supervisor Oliphant failed, without justification, to accomplish biennial statutory list maintenance in 2001 and 2003 as required by §98.065(2), F.S.

The facts alleged in Specific Charge Seven relating to 17,000 mail-in ballots being returned were PROVED.

The facts alleged in Specific Charge Seven relating to "an uncertain number of mail-in ballots were deliverable but thrown away because the addressees had moved" were NOT PROVED. There was no evidence offered by the Governor to support this allegation.

SECTION TWO
SPECIFIC CHARGE EIGHT
[Whereas clause 15 of EO 03-219]

Problems and deficiencies continue to exist (to November 20, 2003) most recently with Supervisor Oliphant's firing of her senior elections staff including, but not limited to: a) the Deputy Supervisor; b) the Chief Financial Officer; c) the Absentee Ballot Supervisor; and d) the Poll Worker Division Supervisor.

FINDINGS

Specific Charge Eight accuses Supervisor Oliphant of recently "firing" her senior experienced staff. All four of these affected employees testified at the Senate hearing concerning the circumstances of their departures.

a) **Deputy Supervisor Kenneth Leb**—He met Supervisor Oliphant in May or June 2002 [T: 543]. He had substantial training and about 6 years of experience in the computer field. He first offered Supervisor Oliphant free advice on her office telecommunication systems and came to the office and started looking over the computer system [T: 544]. Within a month or so, Supervisor Oliphant had contracted with Mr. Leb to build a new call center at Nova University. By the end of July 2002, Mr. Leb was on the payroll as a regular employee assigned to the IT area [T: 547].

Mr. Leb was given more diverse management and executive tasks until by January 17, 2003, he eventually assumed the role of *de facto* acting Deputy Supervisor [T: 553].

By March 2003, Mr. Leb was assigned to work on a new organization chart and to assist in the preparation of the budget recommendation for the ensuing fiscal year. Mr. Leb started "arguing" with Supervisor Oliphant over office administrative issues in March or April [T: 576] and their professional relationship and "synergy" [T: 574] continued to deteriorate into the summer months [T: 594]. In August, Leb was interviewed by a State Attorney investigator and gave a critical evaluation of Supervisor Oliphant's administrative skills [T: 595]. His comments became public. Several days later Supervisor Oliphant asked for his resignation [T: 596]. At first he

said “No” [T: 596]. Then he changed his mind and submitted his resignation on August 28, 2003 [G: 50], and walked away that afternoon with one month’s severance pay. Kenneth Leb was not “fired” as alleged in the Executive Order but it would be quibbling to try to draw a fine distinction between Leb being “fired” or resigning. What is significant here is that after Mr. Leb’s final day in the office, August 28, 2003, Supervisor Oliphant had no deputy supervisor from then until she was suspended on November 20, 2003.

Florida law specifically authorizes, but does not require, a Supervisor of Elections to have one, or more than one, official Deputy Supervisor [§98.015(8), F.S.]. Of the three other supervisors who testified at the Senate hearing, two have a Deputy Supervisor and one does not. The latter relies instead on her own administrative ability to manage her department heads directly.

It is true that Gisela Salas, the Deputy Supervisor hired in December 2003 by Supervisor Oliphant’s successor in office, had been contacted indirectly by Supervisor Oliphant several days before Supervisor Oliphant herself was suspended [T: 87], but Mrs. Salas was never actually hired by Supervisor Oliphant.

- b) Chief Financial Officer Richard Wallsmith—a retired CPA, had worked for state or local government agencies for 32 years, including posts at the Auditor General, the 5th District Court of Appeal, and the Broward Clerk of Courts [T: 483].

In January 2003, Mr. Wallsmith was contacted by the Broward County Auditor and asked if he would be willing to help Supervisor Oliphant’s office resolve its current financial problems [T: 484]. He began employment and received three assignments: institute some financial controls; respond to the County Auditor’s recent critical report on the supervisor’s office finances; and then begin work on the ensuing budget cycle recommendations to be proposed to the Board [T: 485]. He replaced Barbara Adams, the former Finance Director under whose hand the office had descended into a serious deficit status.

In early October 2003, Barbara Adams told Wallsmith that Supervisor Oliphant wanted his resignation [T: 512]. Wallsmith said “No” [T: 513]. Adams told him that he had done nothing wrong—it was just that Supervisor Oliphant was dissatisfied with his services. Later that day, while Wallsmith was in Connecticut at a meeting of the International Association of Clerks, Recorders, Election Officials and Treasurers, the message was relayed to him by St. Lucie County Supervisor of Elections Gertrude Walker that he had been fired.

Supervisor Oliphant elected not to testify on this issue at the Senate hearing.

Supervisor Oliphant replaced Wallsmith with another CPA on October 9, 2003. Thus, there was a gap of only a few days with no CFO on staff.

- c) Absentee Ballot Supervisor Mary Hall had been employed in the Broward Supervisor of Elections office since 1986. She was fired by Supervisor Oliphant on October 6, 2003 [G:53]. About 5 weeks after Ms. Hall was fired, her duties were formally reassigned to another long-time employee whose existing duties were expanded to cover absentee ballot issues as well.
- d) Poll Worker Division Supervisor Pat Nesbit had been employed in the Broward Supervisor’s office since about 1990, first as a clerk in the poll worker department. She worked her way up, eventually rising to be in charge of that department. In May 2002, Pat Nesbit put in writing a long list of perceived deficiencies in office operations that she thought deserved immediate attention [G: 1]. Pat Nesbit was fired by Supervisor Oliphant on October 6, 2003 [G:54]. At some unspecified time after Pat Nesbit was fired, an existing employee in the office, with little experience in poll worker matters, was put in charge of that department.

There is evidence that after Mr. Leb left employment on August 28, 2003, Supervisor Oliphant decided to try to run her entire operation without a deputy. She was just beginning a new fiscal year with infusions of new money and was on the way to finish digging her office out of its carry-over deficit situation. By November 7, 2003, her staff had mailed out the poll worker cards for the March ’04 presidential preference primary. However, it is uncontroverted that Supervisor Oliphant had, at the same time, fired two of her critical

lead workers and added their duties to the existing responsibilities of two other employees.

It is not uncommon for a Supervisor of Elections who has no prior experience in running an election to get elected in Florida. Sheriffs have gotten elected without being certified law enforcement officers. The same principle applies to a new Property Appraiser or Tax Collector. But it appears that for an “outsider” to be successful at any one of these county constitutional offices, the neophyte victor must have a dependable and experienced management staff to continue day-to-day operations, uninterrupted, while the new boss learns the ropes and grows into the position.

The facts in Specific Charge Eight(a) were PROVED.

The facts in Specific Charge Eight(b) were NOT PROVED.

The facts in Specific Charge Eight(c) were PROVED.

The facts in Specific Charge Eight(d) were PROVED.

SECTION TWO SPECIFIC CHARGE NINE [Whereas clause 23 of EO 03-219]

Supervisor Oliphant was continuously unwilling to take personal responsibility for her office’s repeated failures.

FINDINGS

There are about 100 places in the Florida Elections Code that begin with “The supervisor shall . . .” or “The supervisor is required to . . .” These range from duties that might be considered personal to the supervisor, for example, §101.34, F.S., “she must appoint deputies”; to duties that obviously cannot be done personally by the supervisor herself, for example, §101.34, F.S.,—“The Supervisor of Elections shall verify the signature of each elector on the return mailing envelope . . .” Carrying out of most of her specific statutory tasks would generally be expected to be delegated to staff.

Whereas Clause 23 of the Suspension Order raises the issue of *legal* responsibility. It is beyond peradventure that the ultimate legal responsibility for compliance by her employees with the election laws in Broward County between January 2001 and November 19, 2003 rested with Supervisor Oliphant herself. She was the elected constitutional officer who accepted that responsibility when she took her oath of office. However, one of Supervisor Oliphant’s primary defenses to the Governor’s charges is that virtually all of the problems, deficiencies, errors, and failures that relentlessly dogged her time in office were caused by someone or something else.

A telling illustration is the presentation Supervisor Oliphant made to the Broward County Board of County Commissioners on January 21, 2003. The occasion was a budget workshop at which she presented, explained, and defended her office’s budget request for the forthcoming FY 2003-2004.

Supervisor Oliphant opened the workshop by cataloging her successes, namely adding 103,051 new registered voters to the rolls since November 2000, opening a new branch office, upgrading her predecessor’s computer system, and so on [R: 1 @ 6]. She even put in perspective the admitted fact that 24 precincts’ polling places did not open on time in the September 2002 primary, by saying that 745 did open on time and that they were sufficiently staffed to accommodate the first voter at 7 a.m. Supervisor Oliphant specifically and personally took “total responsibility for what has happened here” [G: 36 @ 73], reversing her public statement of just ten days before when she issued a press release blaming (former) Deputy Supervisor Cotter for creating the FY 2001-2002 budget deficit [G: 31]. At the workshop she took “total responsibility for what has happened with the deficit” [G: 36 @ 34]. She also took “total responsibility for errors and omissions” of her office [G: 36 @ 41]. In her written submission to the Board on that same date, she wrote “I accept full responsibility for having (my two deputies who failed me) as employees” [R: 1 @ 2]. In summary, she wrote that “I have committed errors for which I am fully responsible” [R: 1 @ 2].

Supervisor Oliphant’s 509-page written submission to the Board was meaty and impressive. It included copies of her required periodic reports to Governor Bush and Division of Elections Director Roberts, and her responses to the county budget officer’s questions about her budget request. In short, Supervisor Oliphant provided reasonable justification for her \$7,653,915 budget request [R: 1 @ 58].

Then, Supervisor Oliphant launched into a confrontational stance in which she again publicly blamed the County Commission for selecting the wrong voting equipment and reminded the Board that its choice was contrary to the analysis and recommendations of her independent technical consultant whose report she had provided to the Board before the selection and purchase [R: 22]. Supervisor Oliphant's public confrontation of the Board was based on the report from Christopher Hood, a computer technology consultant with whom she had contracted to research the voting systems that were available to Broward County [T: 822]. Mr. Hood spent 4 months [R: 22 @ 14] going to the four certified manufacturers' management, customers, and factories [T: 823]. His report [R: 22] listed and outlined the problems and shortcomings he saw with the proposed machines and the vendor, ES&S: using an older model to meet the experience requirement in the Broward bid; a spotty support and service history; low-ball bidding tactics; serious technical problems with the equipment; the uncertified status of the machines (and thus the illegality of the purchase under §101.294, F.S.); the need for 800 additional workers to operate the machines at each county-wide election; a bait and switch scheme [T: 839]; the "fix being in" with the County Commission before the vote [T: 831]; and a \$1.3 million "feeding frenzy" for the ES&S local lobbyist [T: 833]. In her "Message from the Supervisor" [R: 1 @ 1-2] Supervisor Oliphant again publicly chastised the Board for cutting her budget and refusing to provide necessary services to her office. She cynically "complimented" the machines' vendor, ES&S, for its "impressive job" in shifting their own blame and responsibility for equipment failures to anyone except themselves. She "complimented" the vendor's lobbyists for what she termed the only success associated with the selection, namely their \$1.3 million fee. She also criticized the sheriff and school board for withholding important planning information from her. She blamed a non-existent state entity (which she referred to as the "State Board of Elections") for certifying voting equipment and modifications up to 2 days before the September 10, 2002 primary.

Finally, according to the credible, uncontroverted testimony of multiple eyewitnesses, Supervisor Oliphant did not take responsibility for errors that occurred during the September 10, 2002 election [T: 469]. She basically blamed everyone in sight but herself.

With the workshop exceptions explained above, plus one place in her November 15, 2002 letter to the Broward County Auditor where she stated that "the problems and deficiencies (with the budget) are my responsibility to rectify, correct, and avoid in the future," I find that Supervisor Oliphant generally declined to take personal responsibility for her office's failures and ordinarily sought to shift the blame to others.

The allegation in Specific Charge Nine was PROVED.

SECTION THREE SPECIFIC CHARGE TEN [Whereas clause 21 of EO 03-219]

Supervisor Oliphant failed to comply, by the November 10, 2003 specific deadline, with the 24 specific and concisely stated written "recommendations" as set by the Department of State's October 14-15 Assessment Team.

FINDINGS

In addition to setting out the core charges in the Whereas clauses, Executive Order 03-219 the Executive Order incorporates by reference 23 separate letters, memoranda, documents, and reports that it relies on to support Supervisor Oliphant's suspension. My analysis of Specific Charge Ten focuses on the ten failures specifically alleged in Whereas Clause 21.

On October 23, 2003, Secretary of State Hood drew a line in the sand. Supervisor Oliphant was given 15 calendar days to demonstrate attainment of 24 specific "recommendations". Twenty of them had specific completion dates ranging from "immediately" to November 1, 2003. Two had a vague or unspecified due date.

Had she exerted a Herculean effort; had she focused and redirected the bulk of her employees to this sole and exclusive task; and had she postponed their ongoing, routine daily tasks, Supervisor Oliphant might have been able to produce a result acceptable to the Governor. It appears she did make an effort, perhaps sensing the significance of this "last chance" the chief executive was offering her. In any event, her effort apparently was not sufficient to suit Secretary of State Hood or Governor Bush.

Part of the Senate's role now in analyzing the ten areas specified by the Governor is to separate opinion from fact, and arguments by lawyers from proof by evidence.

Charge 10(a) Still no "continuum of duties and responsibilities apparent".

In management parlance, this ordinarily means, at an absolute minimum, an up-to-date organization chart, coupled with accompanying detailed job descriptions that correspond to the actual duties and responsibilities of each employee on the staff.

As detailed in my discussion under Specific Charge Six, the November 2002 Thabit Report [G: 16] highlights 34 specific deficiencies in Supervisor Oliphant's office operations and was highly critical of her general failure to adhere to the most basic budgetary controls in the day-to-day operations of her office. Four days later, the Governor's General Counsel wrote to Supervisor Oliphant and on behalf of Governor Bush, characterized the Thabit Report as "deeply troubling" and he warned her to "overhaul" her business practices [G: 19].

Several weeks later, Supervisor Oliphant sent Governor Bush her "Administration and Operations Implementation Plan" [G: 24]. To Supervisor Oliphant's great credit, this plan was well-organized, comprehensive, and realistic. It appears to be primarily the work of an experienced articulate hand, most likely Joe Cotter [G: 23]. Twelve days later, citing Supervisor Oliphant's interference in his contractual responsibility to operate the office (except in two clearly specified areas), Cotter exercised his option to terminate his contract and quit [G: 26].

Without Joe Cotter there to manage day-to-day operations, and without a deputy supervisor who would carry on the recently promulgated "Administration and Operations Implementation Plan" after Mr. Cotter's departure, Supervisor Oliphant would continue to be buffeted by daily administrative and operational problems from multiple sources.

Yes, Kenneth Leb took over some of Mr. Cotter's work, but Ken Leb was no Joe Cotter. And, Mr. Leb soon started to "butt heads" with Supervisor Oliphant over issues of organization [T: 572-573]. His job title and duties were never really clear. When Supervisor Oliphant advised him that he would never become her "real" Deputy Supervisor because: a) he had no college degree; b) he had not been there long enough to learn the election business; and c) the staff didn't like him, he quit [G: 50].

This important position remained vacant until the day the Governor suspended Supervisor Oliphant. Without a deputy to oversee the details of daily operations, it was functionally impossible to have a "continuum of duties and responsibilities apparent."

I find that the facts in Specific Charge 10(a) were PROVED.

Charge 10(b) Management personnel still did not demonstrate the necessary level of competence.

Before addressing the narrow Charge 10(b), I will note for the record that Supervisor Oliphant had in her employ, off and on, some highly competent, long-experienced, goal-oriented, and hard working management level public servants.

Of special note was Joe Cotter. Cotter's attitude was that the supervisor's office must, regardless of any of his personal reservations, make whatever voting system the Board provided work [T: 200]. Similarly, Cotter had "strong reservations" about Supervisor Oliphant's hiring of a particular employee but testified that "Miriam hired her and that was that" [T: 190]. It was Cotter who more or less organized and directed the gargantuan logistical effort to pull off the November 2002 general election. He faced problems in every major area of office operations, including, for example, finding 100,000 or so voter registration cards unprocessed and stacked in boxes. Cotter was the director of a 7-day-a-week operation for 45 days—beginning the day he came back to work on September 23, 2002.

And there was Richard Wallsmith who, having assumed the CFO responsibilities in February 2003, performed those duties with apparent diligence until Supervisor Oliphant fired him 8 months later.

By the time the November 2003 Assessment Team came to Ft. Lauderdale for its verification visit, the top management situation was:

1. No Deputy Supervisor is on board and no immediate prospects of one are apparent.
2. The Absentee Department is run by Andrea Perri, a 16-year experienced employee whose duties were doubled on October 14, 2003, also to oversee the Absentee Department in place of the former director who Supervisor Oliphant had fired a week earlier.
3. The Poll Worker Department is run by a smart, capable, but relatively inexperienced employee who was likewise given this department as an extra duty to cover the loss of the director who Supervisor Oliphant had fired a week earlier.

Charge 10(b) was PROVED.

Charge 10(c) Still no Deputy Supervisor on the job.

Charge 10(c) was PROVED.

Charge 10(d) Lines of responsibility for tasks still blurred.

Supervisor Oliphant apparently did not produce, for the Secretary of State's November Assessment Team, an up-to-date written job description for each of her employees. The evidence showed that there was some blurring of the lines of responsibility for tasks—but also that the related cross training was a mandatory “recommendation” to Supervisor Oliphant by the October Assessment Team [G: 56 @ 5]. The blurring was, in my view, an expected result of still having no Deputy Supervisor on board when the November Assessment Team arrived. This fact, coupled with the multi-tasking that Supervisor Oliphant had been imposing to cover the loss of staff she had fired, resulted in responsibility for specific tasks still remaining blurred as of November 10, 2003. Supervisor Oliphant's erratic, last-minute re-assignment of the absentee ballot and poll worker duties to two already over-laden management employees did not help her case. I find to be true and accept the findings of the November 2003 Assessment Team that Supervisor Oliphant's action in this area served merely to create a false appearance that key vacancies had been filled.

Charge 10(d) was PROVED.

Charge 10(e) Some management personnel still overextended to cover dual positions.

Based on the job assignments of Andrea Perri and Gino Herring as of November 10, 2003, Charge 10(e) was PROVED.

Charge 10(f) Documentation request by the October Assessment Team still not provided to November Assessment Team; namely, poll worker training manuals, poll worker agreements, and precinct polling location contracts. This was a simple matter of proof. Either Supervisor Oliphant provided the documents to the November Assessment Team or she did not. The evidence [G: 62 @ 4], and the testimony taken at the Senate hearing indicates that she did not provide the documents, at least not all of them. Supervisor Oliphant offered no personal testimony or other evidence to the contrary.

Supervisor Oliphant did offer her “Precinct Procedures Manual” into evidence [R: 55]. To the casual reader, it seems complete, comprehensive, and well prepared with a professional appearance. Although undated, it was probably the manual used for the September primary or the November 2002 general election. Why it wasn't provided to the Assessment Team, or if it was, then why the team didn't acknowledge it, is not in evidence. In any event, it was only one of the documents requested by the Team.

Charge 10(f) was PROVED.

Charge 10(g) Poll worker training infrastructure still not in place.

The November Assessment Team concluded that “while (Oliphant) has been in office for 3 years, none of the requisite infrastructure is in place to **assure** a trained poll worker workforce of the magnitude necessary to support a countywide election.” [G: 62 @ 4]. This conclusion discounts the training infrastructure used in prior elections as well as the use of outside trainers, borrowed trainers, and temporary trainers.

Providing timely, sufficient training for 5,000+ poll workers is a struggle under the best of conditions. Supervisor Oliphant, with the help of outside agencies and sources, was able to provide poll worker training for prior countywide elections. However, I find that as of November 10, 2003, she had no demonstrable, dependable, permanent infrastructure in place to assure continuity in future poll worker training. Although Supervisor Oliphant produced a list of names and addresses of many

(5,000 or even 14,000) poll workers from a prior election, that does not constitute proof of a training infrastructure for future elections.

Charge 10(g) was PROVED.

Charge 10(h) Violations of §98.095, F.S., regarding physical security of voter information still occurring.

The unrefuted testimony was that on November 10, 2003, one member of the November Assessment Team observed a person making handwritten notes from the voter information lists on the screen of a public-access computer monitor located at the public counter in Supervisor Oliphant's main office [T: 1520, 1601]. Section 98.095, F.S., prohibits copying or extracting information from the lists *unless* the person making the extract or copying the information voted in the most recent election [§98.095(2), F.S.], is an incumbent officeholder or a candidate, or is acting on behalf of a political party entity or a governmental agency [§98.095(2), F.S.]. The testimony was that a small sign was posted on or near the computer advising the public of this prohibition, but no enforcement of the law by the office staff was apparent. Because the person seen by the November Assessment Team member copying from the computer screen might have been in one of the allowable classes and thus exempt from the prohibition against copying information, Supervisor Oliphant is entitled to the benefit of the doubt on Charge 10(h).

Charge 10(h) was NOT PROVED.

Charge 10(i) Voting systems security standards are not met due to the Broward Supervisor's misplaced reliance on an untailored Pasco County plan that does not meet §101.015, F.S. requirements. Supervisor Oliphant offered into evidence two versions of a 58-page document entitled “Election Security and Procedures Manual” [R: 26]. The first version says “Revised: November 4, 2003” and is stamped “DRAFT—Not for Publication” across each page in one inch high letters [R: 26]. The second version is likewise stamped “DRAFT—Not for Publication” across each page and says “Revised: November 7, 2003” [R: 56 @ 85-145]. Both versions appear to the casual reader to be a work-in-progress revision of what might have had its genesis in and been copied from Supervisor Kurt Browning's Pasco County Election Security Plan [T: 127] [T: 919] [T: 1785]. In any event, while each draft purports to be a plan in compliance with §101.015, F.S., according to the unrefuted testimony, no plan was ever finalized or fully implemented. There is nothing intrinsically wrong about copying a successful plan used by a sister county if it is properly tailored for use by the borrower county. The problem here is that there was no *evidence* that a plan was ever finalized for use in the Broward County Supervisor of Elections Office.

Charge 10(i) was PROVED.

Charge 10(j) Alarming and unacceptable number of key management personnel, including Supervisor Oliphant herself, still exhibit lack of fundamental knowledge of state and federal election law.

I did not give key management personnel, including Supervisor Oliphant herself, a pop quiz on their fundamental knowledge of state and federal election law. Therefore, the determination of Charge 10(j) necessarily depends on the opinions of others. These opinions were expressed in the report of the November Assessment Team. They were also expressed freely at the Senate hearing from sources of varying degrees of reliability, knowledge, and experience.

As such, they are necessarily subjective and judgmental. I can only add my own to the stack.

The Governor's proof of Charge 10(j) was spotty and anecdotal. The evidence was primarily of incidents when Supervisor Oliphant referred questions about the election law to her staff or when some of the answers offered by Supervisor Oliphant and by her staff were erroneous. The Governor's counsel also attempted to paint a picture of Supervisor Oliphant not taking advantage of or skipping class during the formal training sessions available to all Florida's supervisors; however, the evidence on this point was mixed. It takes time to learn a body of law, especially one, like Florida election law, that is often revised. Supervisor Oliphant is entitled to the benefit of the doubt on this charge.

I find that Charge 10(j) was NOT PROVED.

AFFIRMATIVE AND EQUITABLE DEFENSES

The burden of proving the charges alleged in an Executive Order of Suspension is on the Governor. When a Respondent asserts affirmative

and equitable defenses, as is the case here, the burden to prove them is on the suspended officer.

The nine affirmative and equitable defenses raised by Supervisor Oliphant's defense witnesses' testimony, her exhibits offered into evidence, her counsel's cross examination of the Governor's witnesses, and her counsel's arguments, reorganized and restated are:

- **Conspiracy One:** by various members of the Broward County Board of County Commissioners (particularly her old political nemesis from her school board days, Commissioner Lori Parrish) who sought to starve Supervisor Oliphant out of office with insufficient funding;
- **Conspiracy Two:** by Assessment Teams I and II, who collectively aimed not to provide assistance, but instead intended, and were appointed to lay the predicate for, her suspension;
- **Conspiracy Three:** by "a group of (her own) employees (who) said that they were going to sabotage Supervisor Oliphant to get her out of office, and that they were going to use the county commissioners to get it" [T: 72];
- **Estoppel:** from basing a gubernatorial suspension charge on the events of September 10, 2002 due to a subsequent statement in the Governor's January 17, 2003 letter to the Board of County Commissioners that "based on the information available to me at this time, her actions do not meet the constitutional threshold for suspension" [G: 32] [R: 9].
- **Impossibility:** the selection and purchase by the Board of County Commissioners of an expensive-to-run touch screen system, coupled with insufficient funds to train and maintain the personnel necessary to operate that system made the September 10, 2002 primary election outcome inevitable;
- **Mitigation:** the charges fail to consider her successes—
 - o the successful November 2002 general election, and
 - o her outreach efforts resulting in 290,000 new registrants.
- **Prerogative (to Select Her Own Staff):** the unfettered right of every public official to hire, fire, promote, or demote staff, and to choose to employ only supervisory-level employees that the official has personally selected;
- **Reasonable Reliance:** especially on her management-level staff, to do their respective assigned tasks correctly, reliably, and with a full measure of energy, loyalty, and dedication to the supervisor and her goals and programs; and
- **Selective Prosecution:** that things were just as bad in Miami-Dade County on September 10, 2002, but the Miami-Dade Supervisor of Elections was not suspended.

On the eighth day of the Senate hearing, a Governor's witness admitted that Supervisor Oliphant had never been told specifically that the list of "recommendations" that had been given to her by the Secretary of State's October Assessment Team were mandatory requirements that Supervisor Oliphant was obliged to accomplish by the specified date, upon pain of suspension from office [T: 2342-2343].

Supervisor Oliphant, relying in part on that admission, and on Governor Bush's January 17, 2003 "estoppel" letter to the Board [G: 32] [R: 9], and on testimony from several of her witnesses, decided on the advice of counsel, not to take the stand to testify on her affirmative and equitable defenses. That was a turn of events that, frankly, I had not expected. She chose to rely instead on the documents admitted into evidence, the testimony from her supporting witnesses or from cross examination of the Governor's witnesses, and her counsel's argument that the Governor had failed to prove his case.

In common usage, a "recommendation" is usually advisory in nature having no binding or mandatory effect. To illustrate:

- | | |
|------------------------|--|
| Waiter to customer: | Good evening folks. I recommend the grouper Florentine on a bed of jasmine rice served with steamed zucchini and roasted almonds, and our homemade key lime pie for dessert. |
| Oncologist to patient: | I have some bad news for you. The MRI shows that you have an aggressive Stage IV malignant cancer that has spread from your right kidney to your left lung. I recommend immediate surgery just as soon as we can assemble a surgical team. |

Both statements are recommendations. The one made in the restaurant can be ignored; the patron can choose, at no peril, to have chicken or beef. The second one is also a recommendation—but the context in which it is made and received makes all the difference.

In October 2003, Supervisor Oliphant was sent a copy of the October 24, 2003 letter from the Secretary of State, the chief state elections officer who by law [§97.012, F.S.] must "obtain and maintain uniformity in the application, operation, and interpretation of the election laws" [G: 58 @ 3]. The letter set out 24 "recommendations" most with specific deadlines for completion, and stated specifically that "Supervisor Oliphant's conduct comes dangerously close to meeting the constitutional threshold for removal from office" [G: 58].

In my view, any ordinarily reasonable supervisor of elections who had received such a list of "recommendations" combined with such an ominous warning would have accepted them as required performance standards with obligatory completion dates and serious repercussions for failure to comply. The possibility of suspension had been hovering over Supervisor Oliphant's head intermittently since Governor Bush wrote to her and mentioned it over a year before [G: 6 @ 1]. Although the timing and abruptness of the execution of the November 20th Suspension Order might have caught Supervisor Oliphant off guard, she can hardly claim surprise. She admitted as much in her November 4, 2003 response to Governor Bush [G: 60 @ 9].

Instead of appearing contrite and flexible, Supervisor Oliphant's response to Secretary Hood's list of "recommendations" was mildly confrontational and challenging [G: 60]. Despite statements that she would do her best to comply, Supervisor Oliphant's response was laced with excuses and justifications. For example, she reminded the Secretary that some of the office staff was away at training when the October Assessment Team showed up, that she was being starved for money by the Board, and so on. One thing that her response lacked—the thing that might have made a difference or at least bought her additional time for compliance—was a straight-out acceptance of personal responsibility, an acknowledgement that her statutory duties had not yet been completed, and a plea for more time for 100% compliance with the October Assessment Team's recommendations.

Further aggravating the situation, on October 16, 2003, the day after the October Assessment Team left her office, Supervisor Oliphant sent a letter to Attorney General Crist [G: 59(a)] asking him to "step up to the plate" and to open a "full investigation" of what she termed the "air of conspiracy" that "swirls around" the Broward County Board of County Commissioners, whose funding policy toward her she termed as "pregnant with mischief." After mis-stating the applicable law concerning the Board's funding responsibility under §129.201(4), F.S., Supervisor Oliphant picked the scab off a year-old wound by again accusing the Board of several violations of law and of its own policy, and mischief concerning the \$1.3 million paid to lobbyists to influence the Board's choice of ES&S touch screen voting equipment.

And, by choosing not to testify herself in support of her affirmative and equitable defenses, Supervisor Oliphant voluntarily deprived herself of a formal opportunity, at least at the Special Master's level, to:

- Admit, deny, or at least respond to Deputy Supervisor Cotter's testimony that at their Steak & Ale meeting on September 18, 2002 Supervisor Oliphant admitted to him that she had made some mistakes in some of her personnel choices [T: 218], that some of her decisions were not very good [T: 351], and that she had hired too many friends and didn't hold them accountable [T: 351], particularly his predecessor, Deputy Supervisor Foeman.
- Confirm or deny that a week before the September 2002 primary election, she had asked Governor Bush to extend the polling hours past 7 p.m. [T: 272], and if so, to explain why.
- Admit, deny, or at least respond to Deputy Supervisor Foeman's admission that the office had no contingency plan in place for what happened with the "blue bags" on September 9, 2002.
- Admit, deny, or at least respond to Deputy/Acting/Intern Kenneth Leb's testimony that the office had no operations manual [T: 583, 585, 587, 608].
- Explain in detail her official actions in light of Deputy Supervisor Cotter's testimony that she failed to disband the outreach department [T: 185], after the Board, in FY 2001-2002, funded only 2 of her requested 18 outreach positions (or as Commissioner Rodstrom described it: when "the County Commission budgeted two people for

outreach and the supervisor went out and hired ten people for outreach" [T: 1069 @ 24]).

- Explain the basis for that part of her counsel's opening statement concerning proof of sabotage [T: 73] and identify those employees who allegedly told her that they intended to sabotage her office.
- Recount and explain in chronological detail precisely what actions she personally took beginning with the evening of September 9, 2002 through September 10, 2002, from discovery of the "blue bag" problem through to the time her last polling place closed.
- Explain the conflict between the statement in her response [G: 60] [T: 1697] that she was actually looking for a deputy supervisor, and her reported statement to a member of the November Assessment Team that she was going to run the forthcoming election alone [T: 1756].
- Explain, in response to the October Assessment Team "recommendations," why and how she decided to double up on the existing duties of Andrea Perri and Gino Herring.
- Explain her statement to the Board during the January 21, 2003 workshop [R: 1 @ 7] that she knew she was spending money that she didn't have, and offer her justification, if any, for violating the "if you don't have it, you can't spend it" principle that is so infused throughout all state and local government in Florida that her own defense witness, three term Broward County Commissioner John E. Rodstrom, Jr., called her budget overspending actions "intentional [T: 1069], illegal [T: 1068], unprecedented [T: 1061], in defiance of the county commission [T: 1070], and wrong" [T: 1068].
- Explain why, after apparently soliciting a consultant's proposal to conduct a comprehensive 4-day (re)training program for her entire office staff and 150 training sessions for up to 7,000 poll workers and voting machine technicians, to be held between September 20, 2003 and January 23, 2004 [R: 30], that training never came to fruition.
- Explain why, despite a claim by her counsel in his opening statement [T: 72] that a defense witness would testify to the race-based efforts of a group of her own employees to oust her from office, no such testimony was offered.

Finally, in fairness to Supervisor Oliphant, it was generally conceded by those directly concerned with the general election held in Broward County on November 5, 2002, that it went smoothly and could even be called a success, especially when compared to the September 10th primary. Even Governor Bush acknowledged that to be the case. [Whereas Clause 13 @ page 2 of Executive Order 03-219; R: 14 @ 2; G: 32]. The Suspension Order itself lists the major reasons why: the loan of 800 properly trained Broward County employees to act as Voting System Technicians who would, under a September 20, 2002 contract with the Board, "assist" Supervisor Oliphant by setting up all the voting equipment, opening each machine, trouble-shooting each machine, closing each machine, and transporting each PEB to the regional site after the election; use of the county's Emergency Operations Center; the Broward County School Board conducting the entire poll worker training; the Broward County Sheriff delivering voting machines and supplies to the precincts; the Division of Elections providing technical assistance; and Deputy Supervisor Joe Cotter running virtually all of the office's day-to-day operations.

There was a huge and complicated outside support system that Governor Bush alleged was the only thing standing between Supervisor Oliphant and yet another election failure. But, Broward Mayor Wasserman-Rubin had clearly and formally stated to Supervisor Oliphant on January 9, 2003, that the election support given by the county to Supervisor Oliphant in the November 2002 general election was an extraordinary, one-time event, that would not be repeated for upcoming elections [G: 30 @ 3].

SUMMARY OF FINDINGS OF FACT

Specific Charge One	NOT PROVED.
Specific Charge Two	PROVED.
Specific Charge Three	PROVED that 32 polling places closed early; but NOT PROVED that Supervisor Oliphant "failed to authorize her staff to notify the precincts until approximately 6 p.m."
Specific Charge Four	NOT PROVED.
Specific Charge Five	PROVED.

Specific Charge Six

PROVED. In my view, this one charge and the evidence that was presented to support it, are a sufficient technical basis to warrant removal, even absent any proof of the remaining charges. Specific Charge Six is far from being a technical or minor matter, nor can it be fairly characterized as merely an aspect of Supervisor Oliphant's management style or vision for her office.

Specific Charge Seven

PROVED that 17,000 ballots were returned, but NOT PROVED that "an uncertain number of mail-in ballots were thrown away."

Specific Charge Eight

- (a) PROVED.
- (b) NOT PROVED.
- (c) PROVED.
- (d) PROVED.

Specific Charge Nine

PROVED, with minor exceptions.

Specific Charge Ten

- (a) PROVED.
- (b) PROVED.
- (c) PROVED.
- (d) PROVED.
- (e) PROVED.
- (f) PROVED.
- (g) PROVED.
- (h) NOT PROVED.
- (i) PROVED.
- (j) NOT PROVED.

The charges that are listed above as PROVED by the Governor were proved with substantial and competent evidence of facts that constitute one or more of the constitutional grounds alleged.

The Affirmative and Equitable Defenses presented by Supervisor Oliphant through her counsel and suggested by the testimony and opinions of her supporting witnesses or exhibits, were NOT PROVED by substantial and competent evidence. Counsel's statements and arguments are not evidence and they do not constitute proof.

To illustrate this point as applied to Supervisor Oliphant's equitable defense of conspiracy, Broward County Commissioner Rodstrom testified that the Board subsequently forgave or waived from her successor's books about \$500,000 of Supervisor Oliphant's carry-forward debt [T: 1071]. That debt forgiveness given to Supervisor Oliphant's successor, in addition to \$3.25 million in the Board's capital budget for her successor to purchase additional voting equipment, as well as the \$4.5 million her successor received for a new voting equipment warehouse [M: 7 @ 2-41], apparently are the prime bases for Supervisor Oliphant's affirmative equitable defense that there was a Board conspiracy against her. However, accommodations to her successor supervisor do not prove existence of a conspiracy against Supervisor Oliphant. They may well show that Supervisor Snipes' relationship with the Broward County Board of County Commissioners is more like Supervisor Sancho's relationship with his board than Supervisor Oliphant's was with hers. Supervisor Oliphant did not meet her burden of proof to establish this defense.

SCALE TIPPER

No later than 7 days after every election, each Supervisor of Elections, sitting as a member of the local canvassing board, is obliged by law to sign and file form DS-DE 81 "Report on Conduct of Election" with the Division of Elections. Section 102.141(8), F.S., requires the supervisor to disclose any problems that occurred due to equipment malfunctions either at the precinct level or at a counting location, any difficulties or unusual circumstances encountered in the election process, and any other problems which the canvassing board feels should be made a part of the official election review.

After the chaos and frantic activity in Broward County surrounding the September 2002 primary election, the official Conduct of Election Report signed by Supervisor Oliphant says only three things: that five Master personal electronic ballots (PEBs) and two regional sites had difficulty in transmitting results, that 21 precincts required a change in vote counts resulting from the reconciliation process, and that the

county judge had requested that precinct registers be compared to the number of votes cast to determine if the iVotronic units operated properly.

Astonishingly, Supervisor Oliphant's official, permanent, required statutory report failed to disclose pertinent facts that would appear to have been of critical importance. Importantly for the Senate, this particular Conduct of Election Report highlights the uselessness and ineffectiveness of a report that was designed as an oversight tool for the Division of Elections and the Legislature.

Most importantly, the report's misleading and incomplete nature makes me doubt the reliability and veracity of some of the other written status reports that Supervisor Oliphant provided to the Secretary of State, the Division of Elections, and the Governor.

It may be that Supervisor Oliphant has an explanation for this report's shortcomings, but, as noted earlier, she did not offer her testimony on the issue.

PRECEDENT

This is the fourth case involving a suspended supervisor of elections that the Florida Senate will have acted on under Florida's modern constitution adopted in 1968.

1. Governor Claude R. Kirk, Jr. suspended Hillsborough County Supervisor Jim Fair on April 14, 1970 following receipt of a report and recommendation of a grand jury. The Governor charged Supervisor Fair with a vast array of violations of the elections laws and bizarre and improper personnel and office management practices. The Senate, in a special session called for that purpose, followed its committee recommendation and removed Supervisor Fair from office, in part because of the "vital importance of absolute fairness, impartiality, and competence in the field of elections."

In short, Supervisor Fair's violation of the election laws, and his odd office antics were just too much for the Senate to tolerate.

2. Governor Claude R. Kirk, Jr. suspended Brevard County Supervisor James H. Boyd on November 23, 1970 following receipt of report and recommendations of a grand jury. The Governor charged Supervisor Boyd with an array of election law violations including failure to train his employees, voter registration irregularities, voting machine maintenance and security violations, general office inefficiencies, low employee moral, and little apparent personal knowledge of the election laws even after 20 months in office.

The Senate, in regular session, followed its Select Committee recommendation that Supervisor Boyd be reinstated, in part because several of his violations were merely continuations of long-followed practices and the machine malfunctions were not a major problem for any candidate. The Senate decided that Supervisor Boyd had conducted his office below the proper standard, but that his underperformance, inefficiency and ineffectiveness were a matter for the electorate, not the Senate, as his conduct fell short of proving misfeasance, incompetence, or neglect of duty.

As a historical note, at Supervisor Boyd's next appointment with the voters of Brevard County, he failed to win re-election.

3. Governor Bob Graham suspended Leon County Supervisor Jan Pietrzyk on December 5, 1986 following receipt of a presentation or recommendation from the State Attorney.

The Governor charged Supervisor Pietrzyk with the now familiar litany: misfeasance, incompetence, and neglect of duty—particularly that he sent out machines on election day that he knew were not in working order, failed to train properly and sufficiently the machine operators, failed to instruct poll workers, failed to print and use correct ballots, failed to test voting machines adequately, failed to have operative replacement machines ready, to have adequate repair personnel, and to have adequate personnel to deliver substitute ballots.

The Senate, in regular session, rejected its Special Master (retired circuit judge) B. J. Driver's recommendation of removal of Supervisor Pietrzyk and reinstated Supervisor Pietrzyk to office saying:

a) Pietrzyk's conduct fell below the standard that the Senate would have desired;

- b) Pietrzyk's conduct may have been grave, but it was not frequent (namely, he can get a pass if he has botched only one election and everything else in his office operation was satisfactory);
- c) Pietrzyk's conduct was not so severe as to demonstrate his incapacity to perform the duties of his office;
- d) Pietrzyk had learned his lesson and besides, there were no more elections scheduled before his term was up and he himself would have to face the voters again.
- e) Carelessness, simple negligence, and stupid mistakes by a supervisor on a one-time basis do not warrant removal;
- f) The Special Master's job is to find the facts. The Senate's job is to make a determination of whether the facts found by the Special Master warrant removal under one or more of the constitutional grounds charged in the Suspension Order.

The Florida Senate, by a vote three short of unanimous, determined that those findings did not justify removal.

As a further historical note, at Supervisor Pietrzyk's next appointment with the voters of Leon County, he failed to win re-election.

The Senate's action in these three supervisors' cases reflects awareness that a balance must be struck when determining whether misfeasance, incompetence, or neglect of duty by a supervisor of elections merits his or her removal. The Senate has recognized on the one hand that voters have a strong, even sacrosanct role in deciding whether an elected official should continue in office and, on the other, that a supervisor of elections should not be permitted to continue in office when continuation would endanger the electorate's voting rights. This is a delicate balance.

DUE PROCESS

Fundamental due process for a suspended public officer whose case is pending before the Florida Senate requires a prompt and effective review of the Governor's action. Barr & Karl, *Executive Suspension and Removal of Public Officers Under the Florida Constitution*, 23 U.Fla.L.Rev. 635 at 636, fn.7 and at 637 (1971).

Unlike accused criminal defendants whose Florida constitutional and statutory rights to a speedy trial have been implemented by Fla. R. Crim. P. 3.191(b) with its specific and mandatory time lines, there are only three general timing considerations in the Senate suspension process: a) "The Senate may act on the recommendations of the . . . Special Master at any time it is in session but shall do so no later than the end of the next regular session of the legislature" [Sen. Rule 12.7(g)]; b) "The Senate need not hear or determine the question of the suspension of the officer during any regular session" [§112.48, F. S.]; and c) "for such purpose the senate may be convened in special session by its president or by a majority of its membership." [Art. IV, Sec. 7(b), Fla. Const.].

Nevertheless, I am obliged to account for the passage of time between the date of my appointment and the date of my report.

I was appointed as Special Master on February 4, 2004. Scheduling the final hearing was first discussed at the initial pre-hearing conference on March 24, 2004. Counsel for both parties generally agreed that they were not ready to set the final hearing. At the second pre-hearing conference on April 5, 2004, the Senate was in the 5th week of its 60-day regular 2004 session. Counsel for both parties expressed doubt that the discovery, final hearing, preparation of the Special Master's Report, and final disposition by Senate vote could be accomplished in the 3 weeks remaining before adjournment sine die. Mr. Hunter then stated that "if they leave without voting before April 30th, I don't have a whole lot of confidence that they will come back for a special session just for Ms. Oliphant." He then asked for expedited processing. However, by April 12th, the parties hadn't even made a dent in their deposition list. Although Mr. Hunter preserved his asserted desire to proceed at lightning speed, I determined that presentation of a completed case to the full Senate in the last few days of the session was virtually impossible. Then both parties requested to have their discovery windows reopened until May 21, 2004, which was 3 weeks after sine die adjournment. Twice, counsel for both sides joined in requests for various further extensions. Written closing arguments were submitted on October 15, 2004, a date likewise agreed upon by both counsel. I used the 94 days between October 16, 2004 and January 18, 2005 to study the 2,365 page transcript and the exhibits, and to write this Report.

In short, this was not a case where the Governor or his counsel delayed in order to take unfair advantage of the passage of time or the occurrence of subsequent unfavorable events, to the detriment of the Respondent.

ROLE OF THE SPECIAL MASTER

The role of the Special Master in executive suspension matters was clearly defined and limited by the Senate in 1986. A future Senate Special Master's role would be to act as the eyes and ears of the members, to take the sworn testimony from the witnesses for both sides, to review all the documentary evidence admitted in evidence, and to determine the facts leading up to the suspension. On the most recent occasion that the issue was presented to it, the Senate resolved that it was the role of the Senate itself, not of the Special Master, to decide whether or not the facts found by the Special Master constituted misfeasance, incompetence, and/or neglect of duty by the suspended supervisor and whether the suspended supervisor's conduct warranted removal or reinstatement.

Consistent with that division of labor, I have summarized my findings of fact on page 54 of this Report.

However, my February 4, 2004 appointment letter from Senate President King specifically charged me with the additional duty of making a recommendation on the ultimate question of Supervisor Oliphant's removal or reinstatement.

While my recommendation is advisory only and only the Florida Senate can determine whether Supervisor Oliphant's conduct warrants her removal from office, it is my view that the facts proved on the ten restated charges, when viewed as a whole, and in the absence of substantial competent proof to support her affirmative or equitable defenses, are sufficient to warrant her removal from office.

RECOMMENDATIONS

Accordingly, I recommend:

1. That the Florida Senate confirm the President's appointment of the undersigned Special Master in this case;
2. That Supervisor Oliphant's Motion to Dismiss dated March 23, 2004 stand denied; and her Motion for Issuance of a Subpoena for Deposition dated May 26, 2004 stand denied insofar as it relates to Governor Bush and Secretary Smith, and stand granted with a limitation as to subject matter as it relates to Secretary Hood;
3. That Secretary Hood's Motion dated July 20, 2004, relating to her trial subpoena, be affirmed as determined in the Special Master's Determination entered July 2, 2004;
4. That the Florida Senate adopt my finding that Executive Order 03-219 meets the jurisdictional requirements of the Florida Constitution, statutes, and applicable case law, and that fundamental due process has been afforded the suspended official;
5. That the President order this report to be presented to the Florida Senate in open session and be published in full in the Journal; and
6. That the Florida Senate, pursuant to Article IV, Sec. 7(b), Fla. Const., §112.45, F.S., and Senate Rule 12, REMOVE Miriam McKinzie Oliphant from her 4-year term of office that began on January 3, 2001, as Supervisor of Elections of Broward County Florida, effective November 20, 2003.

Respectfully,
D. Stephen Kahn, Special Master

January 18, 2005

MOTION

Senator Pruitt moved that the January 18, 2005 report and recommendations of the Special Master be adopted in full and that the Governor's action be upheld and that Supervisor Miriam Oliphant be removed from the Office of Supervisor of Elections of Broward County, Florida, effective the date of her suspension which was November 22, 2003.

SUBSTITUTE MOTION

Senator Dawson moved that the report of the Special Master be rejected and that Miriam Oliphant be exonerated and reinstated as Supervisor of Elections of Broward County, Florida, for her term ending January 4, 2005.

Senator Dawson further moved that, under Section 112.44, Florida Statutes, that the Broward County Board of County Commissioners be directed to pay Supervisor Oliphant back pay and benefits for the time Supervisor Oliphant was suspended from office: namely November 20, 2003 through January 4, 2005, and that Supervisor Oliphant be awarded reasonable attorney's fees incurred in the defense of her case before the Senate.

SENATOR CLARY PRESIDING

THE PRESIDENT PRESIDING

ADOPTION OF REPORT

The substitute motion by Senator Dawson was subsequently withdrawn. The question recurred on the motion by Senator Pruitt which was adopted.

The vote was:

Yeas—33

Mr. President	Crist	Margolis
Alexander	Diaz de la Portilla	Peaden
Aronberg	Dockery	Posey
Atwater	Fasano	Pruitt
Baker	Garcia	Rich
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lynn	Wise

Nays—6

Dawson	Lawson	Siplin
Hill	Miller	Wilson

Vote after roll call:

Yea—Argenziano

Yea to Nay—Bullard

MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, May 4.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Wednesday, May 4.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 1252** was withdrawn from the Committee on Rules and Calendar; and **CS for SB 1726** was withdrawn from the Committee on Ways and Means.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 3, 2005: CS for SB 1414, CS for SB 1416, SB 2000, SB 1612, CS for SB 72, CS for SB 74, CS for CS for SB 2426, CS for CS for SB 1316, SB 1998, CS for SB 974, CS for CS for SB's 2072 and 1714, CS for SB 1610, CS for CS for SB 778, CS for SB 798, CS for SB 1516, CS for SB 1922, CS for CS for SB 1002, CS for CS for CS for SB 2068, SB 1620, SB 2640, CS for CS for SB 2176, CS for CS for SB 2178, CS for SB 1862, CS for CS for SB 838, SB 1790, CS for SB 2562, CS for SB 2564, CS for SB 2566, CS for SB 2568, CS for CS for SB 1478, CS for CS for SB 1488

Respectfully submitted,
Ken Pruitt, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 317, HB 803, HB 919, HB 957, HB 1045, HB 1077, HB 1153, HB 1167, HB 1243, HB 1335, HB 1355, HB 1359, HB 1419, HB 1555, HB 1685, HB 1707; has passed as amended HB 111, HB 113, HB 173, HB 181, HB 257, HB 315, HB 345, HB 381, HB 435, HB 467, HB 505, HB 517, HB 527, HB 619, HB 629, HB 645, HB 753, HB 765, HB 777, HB 783, HB 801, HB 811, HB 885, HB 899, HB 937, HB 987, HB 999, HB 1031, HB 1043, HB 1047, HB 1053, HB 1063, HB 1079, HB 1099, HB 1129, HB 1159, HB 1183, HB 1203, HB 1231, HB 1245, HB 1291, HB 1309, HB 1321, HB 1329, HB 1347, HB 1361, HB 1373, HB 1381, HB 1421, HB 1423, HB 1425, HB 1429, HB 1433, HB 1451, HB 1477, HB 1479, HB 1487, HB 1515, HB 1537, HB 1559, HB 1597, HB 1651, HB 1657, HB 1677, HB 1705, HB 1709, HB 1717, HB 1793, HB 1829, HB 1855, HB 1859, HB 1901, HB 1917, HCB 6003 (for HB's 1869, 1871, 1873, 1875), HCB 6005 (for HB's 119, 167, 935, 1613, 1655, 1837, 1853), HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847); has passed as amended by the required constitutional two-thirds vote of the members voting HB 185, HB 1903; has passed as amended by the required constitutional three-fifths vote of the membership HJR 1843 and request the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Mahon and others—

HB 317—A bill to be entitled An act relating to trespass; amending s. 810.011, F.S.; providing that property that is owned or leased by a railroad or railway company does not have to satisfy the definition of “posted land” in order to obtain the benefits of ss. 810.09 and 810.12, F.S., in certain circumstances; reenacting s. 810.09(1)(a), F.S., relating to trespass on property other than structure or conveyance, for the purpose of incorporating the amendment to s. 810.011, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Judiciary.

By Representative Simmons and others—

HB 803—A bill to be entitled An act relating to the Sanford Airport Authority, Seminole County; amending chapter 71-924, Laws of Florida; authorizing the authority to enter into contracts, leases, franchises, or other arrangements with any person or persons granting the privilege of using or improving any project of the authority, or any portion thereof of space therein, for commercial purposes; providing requirements and limitations with respect thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rice—

HB 919—A bill to be entitled An act relating to the child support guidelines; amending s. 61.30, F.S.; creating a rebuttable presumption that a parent is able to earn minimum wage, as set by the United States Department of Labor; providing for the parent to present his or her rebuttal before a trier of fact; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

By Representative Brandenburg and others—

HB 957—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981 (1947), Laws of Florida, as amended; revising provisions applicable to the West Palm Beach Police Pension Fund; amending the definitions of “final average salary,” “salary,” and “service”; revising the provisions for membership; revising the member's contributions; allowing the purchase of permissive service; clarifying provisions related to credit for intervening military service; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel and others—

HB 1045—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Davie; providing for annexation of the unincorporated area known as Pine Island Ridge; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Allen—

HB 1077—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida; amending the powers and duties of the Canaveral Port District, an independent special district in Brevard County, to authorize the district to sell or otherwise dispose of certain real property; providing the procedure for such sale or other disposition; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Legg—

HB 1153—A bill to be entitled An act relating to Pasco County Mosquito Control District, Pasco County; ratifying and confirming the creation of Pasco County Mosquito Control District pursuant to chapter 390, Florida Statutes (1951), as an independent mosquito control district; providing for a special act charter for the district pursuant to section 189.429, Florida Statutes; providing legislative intent; providing for applicability of chapters 388 and 189, Florida Statutes, and other general laws; providing for district boundaries; providing for officers, powers, rules, and a district budget; providing for liability and group insurance; providing construction; providing for severability; repealing chapter 71-839, Laws of Florida, relating to salary of board members; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative A. Gibson and others—

HB 1167—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending ch. 92-341, Laws of Florida, as amended; authorizing the waiver of payment and performance bonds for the construction of a public building, for the prosecution and completion of a public work, or for repair upon a public building or public work when the cost of the project is \$500,000 or less and the contract for the construction, completion, or repair is awarded pursuant to an economic development program established to encourage local small businesses to participate in City of Jacksonville procurement programs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Joyner and others—

HB 1243—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising the definition of “salaries or wages” to provide for an employer pickup so that the employees in Division A may make pension contributions on a pre-tax basis; revising longevity retirement provisions to provide for a multiplier of 1.15 percent for employees in Division B; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Needelman—

HB 1335—A bill to be entitled An act relating to the City of Melbourne, Brevard County; providing for extending the corporate limits of the City of Melbourne; providing for annexation of two unincorporated areas known and described as Aurora Road Area A and Aurora Road Area B; providing for elections; providing for effective dates of annexation; providing for the effects of annexation; providing for transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

HB 1355—A bill to be entitled An act relating to Broward County; amending chapter 94-429, Laws of Florida, as amended; authorizing expenditures for the purposes enumerated therein, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its seaport, Port Everglades; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

HB 1359—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Coral Springs and the City of Parkland; providing for the annexation of specified unincorporated areas; providing for annexation of the unincorporated area known as Country Acres; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1419—A bill to be entitled An act relating to Indian River Mosquito Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; fixing and prescribing the boundaries of said district; providing for the government and administration of the district; naming the commissioners thereof and providing for election of their successors; providing and defining the powers and purposes of such district and of the board of commissioners

thereof; authorizing and empowering said board to construct and maintain canals, ditches, drains, and dikes and to fill depressions, lakes, ponds, or marshes in order to eliminate breeding places of mosquitoes and sandflies and to control and eradicate mosquitoes and sandflies; providing for spraying or otherwise disbursing substances and materials over the area of such district for the purpose of controlling and eradicating mosquitoes and sandflies and diseases transmitted by the same; authorizing said board to do any and all acts or things necessary for the control and complete elimination of mosquitoes and sandflies in said district; authorizing and providing for the levy and collection of taxes upon all the real and personal taxable property in said district for carrying out the purposes of this act; authorizing the borrowing by the board of commissioners of said district in any one tax year of a sum not to exceed 80 percent of the estimated taxes to be collected on behalf of said district within such year and to evidence the indebtedness represented by any money so borrowed by written obligation of the district and providing for the payment of interest thereon and for the repayment thereof prior to the borrowing of any further sums in any subsequent year; limiting the amount of taxes that may be so levied by said board upon the taxable property within such district; prohibiting injury to any works controlled under or in pursuance of this act, to be punishable as provided by general law; legalizing and validating the acts of the Indian River Mosquito Control District herewith abolished and making all contracts of said Indian River Mosquito Control District so abolished binding upon the new Indian River Mosquito Control District; authorizing and prescribing generally the powers and duties of the Board of Commissioners of said new Indian River Mosquito Control District; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Proctor—

HB 1555—A bill to be entitled An act relating to the Hastings Drainage District, Putnam and St. Johns Counties; codifying, amending, reenacting, and repealing chapters 7969 (1919), 8880 (1921), 10671 (1925), 13654 (1929), 15616 (1931), 17978 (1937), 27310 (1951), 28382 (1953), 81-481, 88-511, and 89-514, Laws of Florida, relating to the district; providing for the continuation without interruption of the district and its boundaries as previously created and established; providing for membership of the Hastings Drainage District Board; providing for the powers, functions, and duties of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown and others—

HB 1685—A bill to be entitled An act relating to the Bay County Law Library; codifying, amending, reenacting, and repealing chapters 69-835, 75-328, 96-464, and 96-530, Laws of Florida, relating to the Bay County Law Library; providing legislative intent; providing a governing body; providing that the district is a dependent district; providing a district charter; eliminating obsolete provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Peterman and others—

HB 1707—A bill to be entitled An act relating to Trailer Estates Fire Control District, Manatee County; amending, codifying, reenacting, and repealing chapters 63-1587, 65-1894, 65-1895, 72-613, 80-534, 82-323, 84-473, 94-373, and 95-503, Laws of Florida, relating to the district; providing boundaries of the district; providing for a board of commissioners; providing for election and organization of the board; providing powers and duties of the board; providing for a special assessment; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the

board; providing for filling vacancies; providing for bonds; providing for severability; amending chapter 93-352, Laws of Florida, to remove a reference; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Dean and others—

HB 111—A bill to be entitled An act relating to administrative expunction of nonjudicial arrest records; amending s. 943.0581, F.S.; requiring the arresting law enforcement agency to apply to the Department of Law Enforcement for the administrative expunction of certain nonjudicial records of arrest; authorizing certain persons to apply directly to the department for administrative expunction in certain circumstances; requiring such persons to support such application with an endorsement; requiring an affidavit; providing that an application, endorsement, or affidavit may not be admitted into evidence or construed as an admission of liability; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Rules and Calendar.

By Representative Dean and others—

HB 113—A bill to be entitled An act relating to construction contracting; amending s. 255.05, F.S.; making certain restrictions in bonds issued for public works projects unenforceable; amending s. 489.118, F.S.; postponing a date for submitting an application for a certificate as a registered contractor; amending ss. 489.129 and 489.533, F.S.; increasing an administrative fine under certain disciplinary proceeding provisions; amending s. 713.015, F.S.; revising form criteria for a direct contract provision; preserving lien and bond rights of certain persons; specifying nonapplication to certain contractors or construction professionals; amending s. 713.02, F.S.; protecting the rights of certain persons to enforce certain contract, lien, or bond remedies or contractual obligations under certain circumstances; precluding certain defenses; amending s. 713.04, F.S.; revising certain final payment requirements; amending s. 713.08, F.S.; requiring a claim of lien to be served on an owner; amending s. 713.13, F.S.; revising provisions authorizing use of certain payment bonds to transfer certain recorded liens; specifying application of certain notice requirements to certain claims; revising time limits for serving certain required notices; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; prohibiting private providers performing inspection services from performing or approving certain inspections under certain circumstances; increasing a threshold amount for certain nonapplication; prohibiting issuing authorities or building officials from requiring recordation of a notice of commencement for certain purposes; authorizing authorities issuing building permits to accept permit applications electronically; requiring an electronic submission statement on the application; requiring provision of Internet access; amending s. 713.23, F.S.; clarifying provisions relating to payment bonds; amending s. 713.24, F.S.; providing construction to preserve county court jurisdiction over certain transfer bond claims for nonpayment; preserving certain lien rights when filing a transfer bond after commencing certain lien enforcement proceedings; amending s. 713.345, F.S.; revising criteria for certain criminal penalties for misapplication of construction funds; amending s. 713.3471, F.S.; revising a provision requiring a lender to provide notice to a property owner when making a disbursement on a construction loan secured by residential property; specifying nonapplication; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Governmental Oversight and Productivity.

By Representative McInvale and others—

HB 173—A bill to be entitled An act relating to economic development incentives; amending s. 212.20, F.S.; revising a limitation on monthly aggregate distributions to certified facilities for a retained spring training franchise; deleting provisions with respect to the entitlement of

certified applicants to receive distributions for additional renovations and improvements to a facility without additional certification; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to a NASCAR Hall of Fame facility; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; providing limitations; requiring the Department of Revenue to prescribe certain forms; specifying uses of certain distributions; providing for future repeal; amending s. 288.1162, F.S.; requiring a verified copy of a binding agreement for payment of cost overruns as prerequisite for certification under certain circumstances; providing procedures for certification of additional facilities for a retained spring training franchise; providing for application and selection; establishing a maximum number of certifications and funding; providing evaluation criteria; clarifying the number of certifications of facilities for retained spring training franchises; specifying criteria certification for the remaining available certification slot; providing for future repeal; increasing the number of facilities certified by the Office of Tourism, Trade, and Economic Development as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise; providing an additional exception to disqualification for certification of an applicant when the franchise formed the basis of a previous certification; providing that payments to a certified applicant may not extend beyond the period for which the original certification was issued; specifying the date on which an applicant certified after the effective date of the act may receive disbursements; creating s. 288.1170, F.S.; specifying the Office of Tourism, Trade, and Economic Development as the state entity for screening NASCAR Hall of Fame facility applicants; providing for certification of such facility by the office; providing requirements for certification and operation of the facility; providing for distribution of funds; authorizing certain uses of funds distributed to the facility; providing procedural requirements for the office; limiting distribution of funds by the Department of Revenue; providing for audits by the department; providing for periodic recertification by the office; providing requirements; creating s. 288.1171, F.S.; providing for certification of units of local government owning eligible convention centers by the Office of Tourism, Trade, and Economic Development; requiring the office to adopt specified rules; providing a definition; providing requirements for certification; providing for use of proceeds distributed to units of local government under the act; providing for audits by the Auditor General; authorizing the Auditor General to pursue recovery of certain proceeds; barring certain local governments from receiving future distributions under certain circumstances; providing for revocation of certification; providing for future repeal; amending s. 320.08056, F.S.; providing for a NASCAR license plate fee; amending s. 320.08058, F.S.; providing for a NASCAR license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a NASCAR license plate; providing for the distribution and use of fees; providing contingent authorization to develop the tag; providing for an alternative deposit of certain license plate funds until certification of a NASCAR Hall of Fame; providing for alternative uses of such funds without certification; providing effective dates.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Representative Cretul—

HB 181—A bill to be entitled An act relating to pari-mutuel permit-holders; amending s. 550.002, F.S.; revising the definition of “full schedule of live racing or games” for certain jai alai permitholders; amending s. 550.09511, F.S.; providing for license fees and taxes for certain jai alai permitholders; amending s. 550.334, F.S.; revising permitting and operational requirements for quarter horse permitholders; deleting a provision to allow quarter horse racing by vote of the county commission in lieu of referendum approval of such racing within a county; providing that specified provisions relating to elections to ratify permits and elections to revoke permits shall apply to quarter horse racing; revising requirements for substitution of thoroughbred horse racing for quarter horse racing; removing certain restrictions on such substitutions and requiring written consent from other permitholders within a certain area; revising restrictions on intertrack wagering for quarter horse permitholders and requiring written consent from other permitholders within a certain area; amending s. 849.086, F.S.; removing a prohibition

on transfer of cardroom licenses; providing for transfer of the cardroom license when a permit is relocated within a county under certain conditions; providing an effective date.

—was referred to the Committees on Regulated Industries; and Government Efficiency Appropriations.

By Representative Llorente and others—

HB 257—A bill to be entitled An act relating to student athletics; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to adopt bylaws relating to steroid use and the adherence to a coaches code of ethics; requiring development of such code; requiring the Florida High School Athletic Association to make recommendations for a pilot drug testing program to test for performance-enhancing drugs; providing an effective date.

—was referred to the Committees on Education; Health Care; Judiciary; and Education Appropriations.

By Representative Allen and others—

HB 315—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting from duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Representative Gardiner and others—

HB 345—A bill to be entitled An act relating to the Florida Department of Law Enforcement; amending s. 943.61, F.S.; revising the powers and duties of the Capitol Police; amending s. 943.611, F.S.; revising duties of the director of the Capitol Police; amending s. 943.62, F.S.; revising provisions relating to investigations by the Capitol Police; amending s. 943.64, F.S.; revising provisions relating to designation of other law enforcement officers as ex officio agents of the Capitol Police; amending s. 943.68, F.S.; revising provisions relating to transportation and protective services of the Capitol Police; amending s. 316.640, F.S.; revising provisions relating to enforcement of traffic laws; amending s. 943.681, F.S.; revising provisions relating to the safety and security needs of the Historic Capitol and the R.A. Gray Building; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

By Representative Detert and others—

HB 381—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to adopt rules relating to obtaining such an accommodation; providing a requirement for granting or denying a license; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 494.0029, F.S.; specifying criteria for receipt of certain applications; specifying that certain permits are not transferable or assignable; amending s. 494.00295, F.S.; revising provisions to specify continuing education for certain professions; amending s. 494.003, F.S.; clarifying application of an exemption from application of specified mortgage broker licensure requirements to certain entities; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; specifying criteria for receipt of applications; authorizing the commission or the Office of Financial Regulation to require specified information from cer-

tain applicants; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for fingerprinting services; specifying that certain licenses are not transferable or assignable; amending s. 494.0033, F.S.; clarifying requirements for mortgage broker licensure; authorizing the commission to waive certain examination requirements under specified circumstances; authorizing the commission to prescribe additional testing fees; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; specifying criteria for receipt of applications; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0034, F.S.; clarifying the commission's authorization to prescribe license renewal forms; amending s. 494.0036, F.S.; clarifying provisions relating to issuance of licenses to mortgage brokerage business branch offices; specifying criteria for receipt of certain applications; amending s. 494.004, F.S.; conforming cross references; amending s. 494.0041, F.S.; specifying an additional ground for disciplinary action; amending s. 494.006, F.S.; clarifying the application of an exemption from mortgage lender licensure requirements to certain entities; amending s. 494.0061, F.S.; requiring licensure of mortgage lenders; specifying criteria for receipt of applications; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; specifying criteria for receipt of applications; authorizing the office to require applicants to provide certain information; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; requiring notice of a change in principal representatives; providing educational requirements for principal representatives; amending s. 494.0064, F.S.; clarifying a reference to professional continuing education for certain licensees; amending s. 494.0065, F.S.; specifying criteria for receipt of applications; specifying education and testing requirements for certain principal representatives and for certain applications or transfer applications; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; increasing a license transfer fee; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring mortgage lenders to designate a principal representative; providing criteria and requirements; requiring notice of a change in principal representatives; amending s. 494.0066, F.S.; clarifying licensure requirements for branch offices; amending s. 494.0067, F.S.; clarifying reference to professional continuing education requirements; amending s. 494.0072, F.S.; providing an additional ground for disciplinary action; amending s. 494.00721, F.S.; correcting cross-references; amending s. 501.137, F.S.; imposing attorney's fees and costs on lenders under certain circumstances; amending s. 516.03, F.S.; specifying criteria for receipt of certain applications; providing that specified fees are nonrefundable; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to make rules relating to obtaining such an accommodation; amending s. 516.031, F.S.; increasing a reimbursement charge for certain investigation costs; amending s. 516.05, F.S.; deleting provisions relating to fees for licenses that have been denied; amending s. 516.07, F.S.; providing an additional ground for disciplinary action; amending s. 516.12, F.S.; authorizing the commission to prescribe minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 517.061, F.S.; revising provisions related to exempt transactions; amending ss. 517.051 and 517.081, F.S.; revising standards for accounting principles to be used in preparing certain financial statements; amending s. 517.12, F.S.; revising provisions for taking and submitting fingerprints of dealers, associated persons, and similarly situated persons; revising provisions relating to expiration and

renewal of registration of such persons; providing an exemption from registration requirements for a Canadian dealer and an associated person who represents a Canadian dealer, under certain conditions; providing for notice filing by a Canadian dealer under certain conditions; authorizing the Office of Financial Regulation of the Financial Services Commission to issue a permit to evidence the effectiveness of a notice filing for a Canadian dealer; providing for the renewal of a notice filing by a Canadian dealer; providing for reinstatement of a notice filing; providing obligations for a Canadian dealer who has given notice of filing; providing obligations for an associated person representing a Canadian dealer who has given notice of filing; providing for the termination of a notice of filing; providing for the collection of fees; amending s. 517.131, F.S.; revising conditions under which recovery can be made from the Securities Guaranty Fund; amending s. 517.141, F.S.; prescribing circumstances under which a claimant must reimburse the fund; providing for rulemaking; amending s. 517.161, F.S.; providing an additional ground for revocation, restriction, or suspension of a registration; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; specifying criteria for receipt of certain applications; providing that certain fees are nonrefundable; amending s. 520.994, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; providing for rulemaking; amending s. 520.995, F.S.; providing an additional ground for disciplinary action; amending ss. 520.997 and 537.009, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending ss. 560.105 and 560.118, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for disciplinary action; amending s. 560.121, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; decreasing the required time period for the office to retain certain reports, records, applications, and related information; amending s. 560.126, F.S.; requiring notice of changes in information contained in a registration application; amending s. 560.205, F.S.; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; authorizing the commission to establish procedures for depositing fees and filing documents electronically; deleting a requirement that an applicant provide a list of certain vendors; requiring the reporting of certain changes of registration by written amendment; amending s. 560.207, F.S.; authorizing the commission to establish procedures for depositing fees and filing documents electronically; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; amending s. 560.210, F.S.; revising permissible investment requirements for certain registrants; specifying in general that accounting principles are those generally accepted in the United States; amending ss. 560.211 and 560.310, F.S.; requiring notice to the office of the location of certain amended records; amending ss. 560.305 and 560.308, F.S.; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; authorizing the commission to establish procedures for depositing fees and filing documents electronically; amending s. 560.306, F.S.; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring the reporting of certain changes of registration by written amendment; specifying commission authority by rules; amending s. 560.403, F.S.; revising requirements for giving notice of intent in connection with the renewal of registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a notice of intent; amending s. 655.935, F.S.; authorizing the search of a safe-deposit box co-leased by a decedent; providing limitations; amending s. 655.936, F.S.; providing for the delivery of a safe-deposit box to a court-appointed personal representative; amending s. 655.937, F.S.; revising provisions for access to safe-deposit boxes; amending s. 733.6065, F.S.; revising provisions related to the initial opening of a safe-deposit box leased or co-leased by a decedent; amending s. 817.801, F.S.; providing a definition; amending s. 817.802, F.S.;

revising the amount of fees that a debt manager or credit counselor may charge to certain debtors; amending s. 817.804, F.S.; revising an audit requirement; amending s. 817.805, F.S.; providing that creditor contributions are exempt from disbursement requirements; providing appropriations; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Governmental Oversight and Productivity.

By Representative M. Davis and others—

HB 435—A bill to be entitled An act relating to motor vehicle, mobile home, and vessel registration; amending ss. 316.605, 318.14, and 318.18, F.S., relating to vehicle licensing, noncriminal traffic infractions, and civil penalties; conforming cross-references; amending s. 320.01, F.S.; redefining the term “registration period”; defining the term “extended registration period”; amending s. 320.055, F.S.; establishing an extended registration period and renewal period for certain motor vehicles and mobile homes; amending s. 320.06, F.S.; extending the time period and increasing the fee for replacement of registration license plates; extending period of validity of license plates and validation stickers to provide for extended registration period; amending s. 320.07, F.S.; authorizing the biennial renewal of certain motor vehicle registration upon payment of cumulative sum of license taxes, service charges, surcharges, and other fees; amending s. 320.071, F.S.; clarifying that the registration period for a motor vehicle or mobile home may not exceed a specified number of months; amending s. 322.121, F.S., relating to reexamination of drivers; conforming a cross-reference; amending s. 328.72, F.S.; providing for an extended registration period for certain vessel owners; providing an effective date.

—was referred to the Committees on Transportation; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Clarke and others—

HB 467—A bill to be entitled An act relating to assisted care communities; creating ch. 429, F.S., entitled “Assisted Care Communities,” and transferring pt. III of ch. 400, F.S., relating to assisted living facilities, to pt. I of ch. 429, F.S., pt. VII of ch. 400, F.S., relating to adult family-care homes, to pt. II of ch. 429, F.S., and pt. V of ch. 400, F.S., relating to adult day care centers, to pt. III of ch. 429, F.S.; amending ss. 101.655, 189.428, 196.1975, 202.125, 205.1965, 212.031, 212.08, 296.02, 381.0035, 394.455, 394.4574, 394.463, 400.0063, 400.0069, 400.0073, 400.0077, 400.0239, 400.119, 400.141, 400.142, 400.191, 400.215, 400.23, 400.232, 400.401, 400.402, 400.404, 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4177, 400.4178, 400.418, 400.419, 400.4195, 400.42, 400.421, 400.422, 400.423, 400.424, 400.4255, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.429, 400.4293, 400.4294, 400.4295, 400.4296, 400.4297, 400.431, 400.434, 400.441, 400.442, 400.444, 400.4445, 400.447, 400.451, 400.452, 400.453, 400.462, 400.464, 400.497, 400.552, 400.555, 400.556, 400.557, 400.5572, 400.601, 400.618, 400.6194, 400.621, 400.628, 400.93, 400.962, 400.980, 400.9905, 400.9935, 401.23, 402.164, 408.033, 408.831, 409.212, 409.221, 409.907, 410.031, 410.034, 415.1111, 419.001, 430.601, 430.703, 435.03, 435.04, 440.13, 456.0375, 465.0235, 468.505, 477.025, 509.032, 509.241, 627.732, 651.011, 651.022, 651.023, 651.055, 651.095, 651.118, 765.1103, 765.205, 768.735, and 943.0585, F.S.; conforming references to changes made by the act; providing a directive to the Division of Statutory Revision to make necessary conforming changes to the Florida Statutes; providing an effective date.

—was referred to the Committees on Children and Families; and Health Care.

By Representative Murzin—

HB 505—A bill to be entitled An act relating to the communications services tax; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements; providing a definition; providing construction; providing for dealer provision of evidence of the

exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; providing for retroactive application; requiring the department to establish a toll-free number for certain registration and resale certificate verification purposes; providing requirements; requiring the department to establish a system for receiving certain information relating to certificate numbers of dealers making purchases for resale; providing requirements; amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; authorizing municipalities or counties to use certain revenues distributed to a local government for certain purposes; amending s. 202.20, F.S.; limiting local government authority to make certain rate adjustments in the tax under certain circumstances; deleting obsolete provisions relating to making certain adjustments in the tax for certain periods; amending s. 202.21, F.S.; deleting provisions relating to local government adjustments of the tax by emergency ordinance or resolution to conform; specifying that certain amendments are remedial in nature and clarify certain provisions of law but do not grant rights to refund of certain fees or charges under certain circumstances; providing for nonapplication to certain emergency rates; providing effective dates.

—was referred to the Committees on Government Efficiency Appropriations; Communications and Public Utilities; Community Affairs; and Ways and Means.

By Representative Cannon and others—

HB 517—A bill to be entitled An act relating to university campus planning; amending s. 1013.30, F.S.; defining terms; requiring each university board of trustees to maintain a copy of the campus master plan on the university's website and provide for electronic copies of its draft master plan; providing duties of the Board of Governors; requiring that the university hold an informal public information session before the required public hearings are held on the draft master plan; requiring that the public hearings be held at specified times; limiting the issues that an individual may raise challenging a campus master plan; authorizing the university to execute a campus development agreement during the pendency of a challenge; providing for an evidentiary hearing to be held by the Division of Administrative Hearings if a challenge to the master plan is not resolved; specifying the evidentiary procedures to be used in such hearing; providing for attorney's fees in any dispute submitted to the state land planning agency or the Administration Commission in which the pleading or motion was made for an improper purpose or for economic advantage; revising procedures to resolve disputes between the university board of trustees and the host local government; requiring that Board of Governors rather than the State Board of Education adopt rules to administer the procedures for preparing and adopting the campus master plan; providing an effective date.

—was referred to the Committees on Community Affairs; and Education.

By Representative Fields and others—

HB 527—A bill to be entitled An act relating to road designations; designating Taye Brown Avenue, Charles B. Dailey Parkway, and Johnnie Mae Chappell Parkway in Duval County; designating Trooper Darryl Haywood Highway, Charles W. Cherry, Sr., Parkway, David Hinson Parkway, and Officer Robert F. Grim, Sr., Parkway in Volusia County; designating Dr. John M. Haile Memorial Boulevard in Marion County; designating Osun's Village and African Caribbean Cultural Arts Corridor in Miami-Dade County; designating Ralph C. Carter Parkway in Washington County; designating Henry Koerber Parkway in Walton County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Bean—

HB 619—A bill to be entitled An act relating to the Ocean Highway and Port Authority, Nassau County; codifying, reenacting, amending,

and repealing special acts of the Ocean Highway and Port Authority; providing for its membership, terms of office, officers, quorum, and meetings; defining the powers and duties of the authority; providing for compensation of authority members; authorizing the issuance of bonds and other instruments of indebtedness; providing for road and other projects; repealing chapters 21418 (1941), 24733 (1947), 26048 (1949), 27763 (1951), 30290 (1955), 67-1737, 67-1739, 67-1748, 69-1328, 83-471, 83-474, 84-486, 86-371, 87-439, and 91-347, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Negron and others—

HB 629—A bill to be entitled An act relating to health care practitioners; amending 458.303, F.S.; removing a provision on grounds for disciplinary action and certain action from a list of exemptions for certain nursing services; providing prohibitions for physicians; amending s. 459.002, F.S.; providing prohibitions for osteopathic physicians; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Health and Human Services Appropriations.

By Representative Adams and others—

HB 645—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 790.065, F.S.; requiring the department to review other records in addition to criminal history records to evaluate a potential buyer or transferee of a firearm, including an adjudication of mental defectiveness or a commitment to a mental institution as criteria that prohibit a person from purchasing a firearm; providing definitions; requiring the department to maintain an automated database of persons who are prohibited from purchasing a firearm; requiring each clerk of court to submit certain court records to the department within a certain period; requiring the department to delete certain records from the automated database upon the request of an individual meeting specified conditions; authorizing the department to disclose collected data to other federal or state agencies with regard to the sale or transfer of a firearm; authorizing the department to disclose certain information to the Department of Agriculture and Consumer Services for determining the eligibility of an applicant for a concealed weapons or concealed firearms license; requiring the clerk of court or mental hospital to provide additional information upon request following an appeal of an unapproved sale or transfer of a firearm; amending s. 914.25, F.S.; providing for recertification for protective services for an additional period, with reimbursement for expenses from the Victim and Witness Protection Review Committee; providing for unlimited protective services for a victim or witness without reimbursement; amending s. 937.021, F.S.; providing immunity to the department, other law enforcement agencies, and media representatives from civil liability for complying in good faith with a request to record or report information of an Amber Alert or Missing Child Alert; providing that a technical or clerical error or incorrect or incomplete information does not overcome the presumption of good faith in reporting information about an Amber Alert or Missing Child Alert; providing that it is a discretionary decision of the law enforcement agency or its employees to report, record, or display Amber Alert or Missing Child Alert information; amending s. 938.07, F.S.; requiring that a portion of certain court costs imposed for a conviction of driving or boating under the influence be deposited into the department's Operating Trust Fund instead of the Criminal Justice Standards and Training Trust Fund; amending s. 938.27, F.S.; requiring that investigative costs recovered on behalf of the department be deposited into the Forfeiture and Investigative Trust Fund of the department; amending s. 943.052, F.S.; requiring that disposition reports for dispositions relating to minor offenders are mandatory after a specified date; amending s. 68.07, F.S.; requiring a set of fingerprints as part of a name change petition; amending s. 943.05, F.S.; authorizing the department to retain fingerprints in certain circumstances and use retained fingerprints for certain purposes; providing for an annual fee; amending s. 943.053, F.S.; requiring the department to make certain information available to judges; limiting use of information; authorizing a criminal

justice agency to obtain a criminal history background check of a noncertified agency employee by submitting fingerprints to the department; requiring the department to adopt rules setting a fee for conducting the criminal history background search and establishing procedures; requiring that the criminal history check be provided by the department in certain circumstances; amending s. 943.0585, F.S.; prohibiting a court from expunging a criminal history record containing certain sexual offenses or certain offenses that require registration as a sexual offender; requiring a valid certificate of eligibility for expunction in a petition to expunge a criminal history record; specifying the time during which a certificate of eligibility for expunction is valid; requiring that a trial may not have occurred in order for a person to obtain a statement from the state attorney authorizing the expunction of a criminal record; authorizing a person who has secured a prior sealing or expunction of a criminal history record to seek a certificate of eligibility for expunction if the criminal history record was previously sealed for a certain number of years and is otherwise eligible for expunction; providing that a person who is seeking authorization for employment within or access to a seaport may not deny or fail to acknowledge arrests covered by expunged records; providing that the department may acknowledge expunged criminal history records under certain circumstances; amending s. 943.059, F.S.; enumerating certain sexual offenses and offenses that require registration as a sexual offender which may not be sealed; requiring a valid certificate of eligibility for sealing in a petition to seal a criminal history record; specifying the period during which a certificate of eligibility for sealing is valid; providing that the information contained in a sealed criminal record is available to a criminal justice agency for the purpose of conducting a criminal history background check for approval of a firearms purchase or transfer; prohibiting a person from denying arrests covered by his or her sealed criminal record when attempting to purchase a firearm; providing that a person who is seeking authorization for employment within or access to a seaport may not deny or fail to acknowledge arrests covered by sealed records; providing that the department may acknowledge sealed criminal history records under certain circumstances; amending s. 943.13, F.S.; requiring the department to enter fingerprints into a statewide automated fingerprint identification system; requiring the department to search each arrest fingerprint card received against fingerprints retained in the statewide automated fingerprint identification system; providing for re-fingerprinting by a certain date; amending ss. 943.1715 and 943.1716, F.S.; deleting the minimum number of hours required for basic skills training and continued employment training relating to diverse populations for law enforcement officers; repealing s. 943.2569, F.S., relating to an annual financial audit of criminal justice selection centers; amending s. 943.257, F.S.; authorizing the Criminal Justice Standards and Training Commission and the advisory board of a criminal justice selection center to inspect and copy any documents from a center in order to carry out oversight responsibilities, including documents pertaining to any internal or independent audits; amending s. 943.401, F.S.; requiring the department to investigate all public assistance that is provided by the state; requiring public assistance recipients to consent in writing to an investigation into their employment and financial histories by the Agency for Workforce Innovation; requiring the department to report the results of the investigations to the Agency for Workforce Innovation; authorizing the department to purchase goodwill and promotional materials; limiting the annual amount of such expenditures; prohibiting the unauthorized use of the department's emblems and names; providing a penalty; providing effective dates.

—was referred to the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

By Representative Grimsley—

HB 753—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; codifying, amending, reenacting, and repealing special acts relating to the authority; defining the powers and duties of said authority; granting to the authority power to acquire, lease, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate airport and other facilities; providing for the issuance of bonds of the authority, payable solely from funds provided therefor under the act, to pay the cost of acquiring, constructing, or reconstructing any facilities and the cost of improvements, extensions, enlargements, and equipment; granting to the authority power to acquire necessary real and personal property and to exercise the power of eminent domain; providing for the imposition and collection of charges

for the use of and for the services furnished by any such facilities; authorizing the City of Sebring to make grants and conveyances to the authority; prescribing the powers and duties of the authority in connection with the foregoing and the rights and remedies of the holders of any bonds or revenue certificates issued under the provisions of this act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bowen—

HB 765—A bill to be entitled An act relating to Polk County; abolishing the Peace Creek Drainage District; amending the charter of the Lake Region Lakes Management District, as reenacted and amended by chapter 2004-393, Laws of Florida; redefining the territorial boundaries of the district; clarifying eligibility to vote for members of the board of commissioners of the district; revising the authority of the district to perform certain works on its property; limiting tax assessments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Domino and others—

HB 777—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising provisions relating to the West Palm Beach Firefighters Pension Fund; revising definition of the term “final average salary”; revising provisions relating to permissible investments; revising provisions relating to the BackDROP; providing for loans from the BackDROP; clarifying provisions relating to benefits of the surviving spouse of a member who dies in line of duty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Reagan—

HB 783—A bill to be entitled An act relating to the Sarasota County Public Hospital District; amending chapter 2003-359, Laws of Florida; authorizing the Sarasota County Public Hospital Board to establish, operate, and maintain facilities and services outside the boundaries of the district; restricting the use of ad valorem tax funds to facilities and services within the district; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative D. Davis—

HB 801—A bill to be entitled An act relating to the Ponte Vedra Zoning District, St. Johns County; codifying, amending, reenacting, and repealing special acts relating to the district; providing boundaries; providing for continued merger of the Ponte Vedra Zoning Board and the Ponte Vedra Board of Adjustment into the Ponte Vedra Zoning and Adjustment Board appointed by the St. Johns County Board of County Commissioners from residents and electors of the district; providing for membership of the Ponte Vedra Zoning and Adjustment Board; providing for the powers, functions, and duties of the board; providing that the board in place of the local planning agency established pursuant to chapter 163, F.S., shall have the authority to make recommendations to the board of county commissioners in certain circumstances within the district; providing a location for hearings of the board; providing for funding; providing for frequency and calling of meetings by the board; providing severability; repealing chapters 65-2171 and 95-527, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kreegel and others—

HB 811—A bill to be entitled An act relating to health insurance; amending s. 627.6699, F.S.; revising application of the act; providing construction; authorizing carriers to offer coverage to certain employees without being subject to the act under certain circumstances; providing requirements; amending s. 408.05, F.S.; changing the due date for a report from the Agency for Health Care Administration regarding the State Center for Health Statistics; changing the release dates for certain data collected by the State Center for Health Statistics; amending s. 408.909, F.S.; providing an additional criterion for the Office of Insurance Regulation to disapprove or withdraw approval of health flex plans; amending s. 627.413, F.S.; authorizing insurers and health maintenance organizations to offer policies or contracts providing for a high deductible plan meeting federal requirements and in conjunction with a health savings account; amending s. 627.638, F.S.; providing certain contract and claim form requirements for direct payment to certain providers of emergency services and care; amending s. 627.6402, F.S.; revising provisions for healthy lifestyle rebates for an individual health insurance policy; providing exceptions; providing application; amending s. 627.6487, F.S.; revising the definition of the term “eligible individual” for purposes of obtaining coverage in the Florida Health Insurance Plan; amending s. 627.64872, F.S.; revising definitions; changing references to the Director of the Office of Insurance Regulation to the Commissioner of Insurance Regulation; deleting obsolete language; providing additional eligibility criteria; reducing premium rate limitations; revising requirements for sources of additional revenue; authorizing the board to cancel policies under inadequate funding conditions; providing a limitation; defining the term “health insurance” for purposes of certain assessments; providing an exclusion; specifying a maximum provider reimbursement rate; requiring licensed providers to accept assignment of plan benefits and consider certain payments as payments in full; authorizing the board to update a required actuarial study; providing study criteria; amending s. 627.65626, F.S.; revising criteria for healthy lifestyle rebates for group and similar health insurance policies provided by health insurers; authorizing group or health insurers to contract with an independent third-party administrator for certain purposes; providing exceptions; providing application; amending s. 627.6692, F.S.; extending a time period within which eligible employees may apply for continuation of coverage; amending s. 627.6699, F.S.; revising availability of coverage provision of the Employee Health Care Access Act; including high deductible plans meeting federal health savings account plan requirements; revising membership of the board of the small employer health reinsurance program; revising certain reporting dates relating to program losses and assessments; requiring the board to advise executive and legislative entities on health insurance issues; providing requirements; amending s. 641.27, F.S.; increasing the interval at which the office examines health maintenance organizations; deleting authorization for the office to accept an audit report from a certified public accountant in lieu of conducting its own examination; increasing an expense limitation; amending s. 641.31, F.S.; revising criteria for healthy lifestyle rebates for health maintenance organizations; providing exceptions; providing application; providing an appropriation; providing application; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Representative Goldstein and others—

HB 885—A bill to be entitled An act relating to regional autism centers; amending s. 1004.55, F.S.; creating an additional regional autism center in the state; reducing the number of counties within the service areas of two existing regional autism centers; providing for consistency in service delivery; encouraging each constituency board to raise funds; providing a prohibition; providing an effective date.

—was referred to the Committees on Education; and Children and Families.

By Representative Allen—

HB 899—A bill to be entitled An act relating to the Ranger Drainage District, Orange County; amending chapter 99-453, Laws of Florida; providing additional authority for limited fire control and prevention; providing for maintenance of passive recreation areas and facilities, environmental mitigation, security services, signage, and maintenance of common areas; increasing the membership of the governing board; providing for staggered terms of members; providing for a referendum; providing a ballot statement; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Galvano and others—

HB 937—A bill to be entitled An act relating to contamination notification; amending s. 376.301, F.S.; defining specified terms; creating s. 376.30702, F.S.; requiring notice when contamination is discovered as a result of site rehabilitation activities; providing requirements for notice; requiring notice when laboratory analytical results demonstrate that contamination exists in any medium beyond the boundaries of the property of the site rehabilitation; providing requirements for notice; providing rulemaking authority; amending ss. 287.0595 and 316.302, F.S.; conforming cross references; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Governmental Oversight and Productivity.

By Representative H. Gibson—

HB 987—A bill to be entitled An act relating to the Lake County Water Authority district; amending, codifying, reenacting, and repealing special acts relating to the district in conformity to s. 189.429, F.S.; providing district boundaries; providing purposes; providing for a governing body and prescribing its powers, duties, functions, membership, and organization; providing for partisan election of board members; providing duties of constitutional officers in Lake County with respect to the authority; providing a limit on the amount the authority may spend to educate the public regarding water issues; providing maximum millage limit; repealing chapters 29222 (1953), 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of Florida, relating to the district; providing for a referendum on whether elections to the authority shall be partisan; providing a ballot statement; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Stansel—

HB 999—A bill to be entitled An act relating to the Lake Shore Hospital Authority, Columbia County; amending, codifying, reenacting, and repealing chapters 24443 (1947), 25736 (1949), 30264 (1955), 61-2048, 63-1247, 65-1414, 72-509, 90-409, and 92-229, Laws of Florida, relating to the authority; providing definitions; providing for a governing body; providing for the governing body's purposes, powers, duties, and responsibilities; authorizing the issuance of revenue bonds, incidental powers, and refunding bonds; providing remedies for any holder of bonds or trustee; providing exemption of property from taxation; providing that bonds shall constitute legal investments; providing that act is complete and additional authority; providing taxing authority, including authority to levy ad valorem taxes; providing construction of act; providing severability; repealing special acts relating to the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Russell and others—

HB 1031—A bill to be entitled An act relating to the reuse and recycling of campaign signs; requiring the Department of Environmental Protection to design a pilot project to encourage the reuse or recycling of campaign signs; requiring the department to submit details of the program and a budget request for use of funds from the Solid Waste Management Trust Fund to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Representative Sobel—

HB 1043—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending, reenacting, repealing, and codifying chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida, relating to the North Lauderdale Water Control District; revising district boundaries; revising the powers of the district to provide that the district may borrow money at a rate not exceeding that which is provided by law; providing that the members of the board of supervisors shall be the “city commission,” rather than the “city council,” of the City of North Lauderdale and that a board chair and vice chair shall be elected at each annual meeting and as necessary to fill vacancies; providing meeting notice requirements and requiring that meetings be held at a public place; providing that the City Clerk of the City of North Lauderdale shall serve as the district secretary; providing for reimbursement of supervisors for travel expenses pursuant to s. 112.061, F.S.; providing that the interest rate on bonds issued by the board not exceed the maximum rate allowed by law; providing that the interest rates on tax anticipation notes issued by the board shall not exceed the maximum rate allowed by law; deleting provision relating to payment of taxes not authorized in advance; providing for the use of non-ad valorem assessments; updating references to ch. 298, F.S.; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

HB 1047—A bill to be entitled An act relating to Broward County; amending chapter 75-350, Laws of Florida, as amended; revising time-frame for municipal elections; providing dates for candidates to file paperwork; providing dates of municipal primary and general elections; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harrell—

HB 1053—A bill to be entitled An act relating to St. Lucie County; creating the St. Lucie County Research and Education Authority, an independent special district in St. Lucie County; providing definitions; providing for a governing board and powers; providing for a research and educational facilities benefit assessment; providing minimum charter requirements; providing for a referendum; providing for construction and severability; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Carroll and others—

HB 1063—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing in effect an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts

center, or publicly owned recreational facility for a specified period; providing for future repeal; postponing the repeal of and reviving and readopting s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; providing for future repeal; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing in effect an exemption from the tax which is provided for admission charges to an event sponsored by a governmental entity, sports authority, or sports commission; providing for future repeal; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing effective dates.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Representative Allen—

HB 1079—A bill to be entitled An act relating to the Merritt Island Public Library District, Brevard County; codifying, amending, reenacting, and repealing chapters 65-1289, 72-477, 76-330, 82-263, and 94-449, Laws of Florida, relating to the district; providing boundaries; providing for appointment of a library board; prescribing its duties, powers, and authority; providing for raising funds by taxation; providing a method of levying, collecting, and disbursing such funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Justice—

HB 1099—A bill to be entitled An act relating to the Assistive Technology Advisory Council; amending s. 413.407, F.S.; revising composition, terms of service, and duties of the council; requiring the Commissioner of Education to appoint members of the council; deleting provision requiring the council to fund Florida's Alliance for Assistive Services and Technology; providing an effective date.

—was referred to the Committees on Education; and Commerce and Consumer Services.

By Representative D. Davis—

HB 1129—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; changing the term “television series” to “television programming” for purposes of the definition of the term “entertainment industry” in provisions establishing the Office of Film and Entertainment within the Office of Tourism, Trade, and Economic Development; amending s. 288.1254, F.S.; revising a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; revising definitions; revising application procedures and requirements; revising application approval provisions; revising reimbursement eligibility criteria and requirements; revising limits on reimbursement; revising the due date for the annual report to be submitted to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Bogdanoff and others—

HB 1159—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; during a specified period of

time, permitting local government employees who are members of the Senior Management Service Class, who have withdrawn from the Florida Retirement System, to elect membership in the defined benefit program or the public employee optional retirement program of the system; prescribing requirements in making such election; providing for payment of the costs of such membership; amending s. 175.041, F.S.; providing that any municipality that provides fire protection services to another municipality under an interlocal agreement is eligible to receive premium taxes; authorizing the municipality that receives the fire protection services to enact an ordinance levying the tax; authorizing the Division of Retirement within the Department of Management Services to distribute the premium taxes; amending s. 175.101, F.S.; authorizing any municipality that has entered into an interlocal agreement for fire protection services with another municipality to impose an excise tax on entities that are engaged in the business of property insurance; providing an effective date.

—was referred to the Committees on Community Affairs; Banking and Insurance; and Governmental Oversight and Productivity.

By Representative Quinones—

HB 1183—A bill to be entitled An act relating to the Orange County Civic Facilities Authority; codifying, reenacting, amending, and repealing chapters 71-803, 72-625, 73-569, 77-611, and 78-575, Laws of Florida, relating to the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Vana—

HB 1203—A bill to be entitled An act relating to the Acme Improvement District, Palm Beach County; providing for annexation of specified area; transferring land from the Lake Worth Drainage District to the Acme Improvement District; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Agriculture; and Representative Stansel and others—

HB 1231—A bill to be entitled An act relating to dealers in agricultural products; amending s. 604.15, F.S.; revising definitions; expanding the list of products covered by the law; defining the terms “negotiating broker” and “producer’s agent”; amending s. 604.16, F.S.; revising exceptions to provisions regulating dealers; amending s. 604.18, F.S., relating to applications for dealer licensure; requiring dealers to provide mailing and location address information; requiring dealers to provide certain information relating to the dollar amount of business done or to be done; amending s. 604.19, F.S.; providing requirements relating to cancellation of a bond or certificate of deposit; increasing license fees and delinquent renewal penalties; amending s. 604.20, F.S.; increasing the minimum amount of a bond or certificate of deposit for licensure; providing a calculation for the amount of a bond or certificate of deposit; adding requirements relating to bond or certificate of deposit assignment or agreement; authorizing the Department of Agriculture and Consumer Services to issue a conditional license under certain conditions; amending s. 604.21, F.S.; increasing the minimum claim amount and requiring a complaint filing fee; providing requirements for submission of a complaint and payment for multiple claims; authorizing a dealer in agricultural products to file a complaint against another dealer in agricultural products; limiting the time a complaint may be held in abeyance; authorizing review of a final order; clarifying distribution of bond or certificate of deposit proceeds; amending s. 604.22, F.S.; revising recordkeeping requirements of licensees; clarifying application of provisions; amending ss. 604.23 and 604.25, F.S.; clarifying application of provisions; amending s. 604.30, F.S.; clarifying that a violator of provisions regulating dealers in agricultural products may be a person, partnership, corporation, or other business entity; increasing the maximum administrative

fine and the fine for continued violation of an administrative order; providing an appropriation and authorizing full-time equivalent positions; providing an effective date.

—was referred to the Committees on Agriculture; Banking and Insurance; and Judiciary.

By Representative Joyner and others—

HB 1245—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation to issue an alcoholic beverage license to the Arts Council of Hillsborough County for use within the Tampa Theatre; providing that the license may be used for special events only; providing for payment of the license fee by the council; providing for sale of beverages for consumption within the theatre; prohibiting sales for consumption off the premises; providing that purchasers may remove partially consumed, open containers from the premises; providing for temporary transfer of the license; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sorensen—

HB 1291—A bill to be entitled An act relating to the Key Largo Fire Rescue and Emergency Medical Services District, Monroe County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation, oath, and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of taxation; providing for user charges; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to appoint a fire marshal; authorizing the district to conduct inspections, establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing for an exclusive charter; requiring a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Kravitz and others—

HB 1309—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; revising provisions of Article 22 of the charter of the City of Jacksonville, relating to the Jacksonville Police and Fire Pension Board of Trustees; revising trustees’ terms of office; providing authority of the board with regard to assets of the plan; revising provisions relating to the investment and reinvestment of assets in the pension fund; providing for applicability of state law; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 1321—A bill to be entitled An act relating to the Dorcas Fire District, Okaloosa County; codifying the district’s ordinances; providing intent; re-creating and providing a charter for the district; providing

district boundaries; providing purposes; providing definitions; providing for the election of a district board of commissioners; providing for terms of office; providing for officers and meetings of the board; providing for commissioners' compensation and expenses; requiring a bond; providing for records; providing general and special powers of the district; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing for requirements and procedures for issuance of bonds; providing for expansion and merger of the district boundaries; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Homan and others—

HB 1329—A bill to be entitled An act relating to the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida; providing definitions; revising provisions relating to membership of and appointment to the port authority; revising provisions relating to appointment of the port director and employment of other persons; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Evers and others—

HB 1347—A bill to be entitled An act relating to controlled substances; amending s. 893.033, F.S.; revising the definition of "listed precursor chemical" to include benzaldehyde, hydriodic acid, and nitroethane, and to remove anhydrous ammonia and benzyl chloride; revising the definition of "listed essential chemical" to include anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine or from possessing listed chemicals with the intent to manufacture methamphetamine or phencyclidine; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing criminal penalties in circumstances involving a violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer; increasing the criminal penalties if such violation results in death or great bodily harm to such officer; prohibiting a person from selling, manufacturing, delivering, or attempting to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of an assisted living facility; providing criminal penalties for such offense; specifying minimum terms of imprisonment for such offense; amending s. 893.135, F.S.; including offenses involving pseudoephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine knowing that the probable result will be death; amending s. 893.149, F.S., relating to the prohibition against possessing listed chemicals; providing an exception to such prohibition for a person authorized to clean up or dispose of hazardous waste or toxic substances pursuant to ch. 893, F.S.; providing that damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical is the sole responsibility of the person unlawfully possessing, storing, or tampering with the chemical; providing that the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by laws governing possession or storage; creating s. 893.1495, F.S.; limiting retail sales of products containing more than a specified amount of ephedrine or related compounds in a single transaction; providing restrictions on the retail display of products containing ephedrine or related compounds; requiring specified training for employees of retail outlets who engage in the retail sale of such products; providing that local regulations passed after a specified date that are more restrictive than this act are superseded; providing criminal penalties; reenacting s. 893.02(12), F.S., relating to the definition of the term

"listed chemical," for the purpose of incorporating the amendment to s. 893.033, F.S., in a reference thereto; reenacting ss. 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2), F.S., relating to exemptions from disqualification for certain employment, disposition and sentencing alternatives, the assessment of fees for purposes of funding the Operating Trust Fund of the Department of Law Enforcement, and the terms and conditions of probation, respectively, for the purpose of incorporating the amendment to s. 893.13, F.S., in references thereto; reenacting ss. 311.12(3)(c), 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c), 921.0022(3)(g), (h), and (i), 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S., relating to seaport security standards, eligibility for temporary cash assistance, mandatory sentencing in circumstances involving the possession of use of a weapon, specified offenses that may be charged as murder if death results, prohibited acts by prescribing practitioners, circumstances in which the court may order pretrial detention, the offense severity ranking chart of the Criminal Punishment Code, worksheet computations and scoresheets under the Criminal Punishment Code, sentencing in capital drug trafficking cases, limitations on circumstances in which a criminal history record may be expunged, and limitations on circumstances in which a criminal history record may be sealed, respectively, for the purpose of incorporating the amendment to s. 895.135, F.S., in references thereto; reenacting ss. 397.451(4)(b) and (6), 772.12(2)(a), 893.1351(1), and 903.133, F.S., relating to background checks of service provider personnel, the Drug Dealer Liability Act, the prohibition against leasing or renting for the purpose of trafficking in a controlled substance, and the limitation of admission to bail, respectively, for the purpose of incorporating the amendments to ss. 893.13 and 893.135, F.S., in references thereto; providing applicability; providing an effective date.

—was referred to the Committees on Health Care; and Criminal Justice.

By Representative Sobel—

HB 1361—A bill to be entitled An act relating to the Performing Arts Center Authority, Broward County; codifying, reenacting, amending, and repealing special acts relating to the authority; providing that the authority is a public body, corporate and politic; providing purposes; providing membership and organization; providing definitions; providing for the method and manner of the appointment of the authority and terms of the authority's membership; providing for reimbursement of members' expenses; providing for removal of members; providing for the organization, powers, functions, financing, privileges, duties, and responsibilities of the authority; providing for competitive bidding in certain instances; authorizing the acquisition of certain property acquired by eminent domain; providing for budget approval by the Broward County Commission and the Fort Lauderdale City Commission; providing for the issuance of revenue bonds by the authority to carry out the purposes of this act; providing for sources of revenues for paying for the construction of facilities, the administrative expenses of the authority, and said revenue bonds; authorizing appropriations by the county, the city, and other governmental units in Broward County for operation and maintenance of said facilities; providing for public or private subscriptions; providing for the issuance of a license to sell alcoholic beverages for on-premise consumption; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Cannon and others—

HB 1373—A bill to be entitled An act relating to the Florida Faith-based and Community-based Advisory Board; creating s. 14.31, F.S.; providing legislative findings and intent; creating the Florida Faith-based and Community-based Advisory Board within the Executive Office of the Governor for certain purposes; providing for board membership; providing for terms of members; providing for successor appointments; providing for meetings and organization of the board; specifying serving without compensation; providing for per diem and travel expenses; specifying required activities of the board; specifying restricted

activities; requiring a report to the Governor and Legislature; providing for future repeal and abolition of the board; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ways and Means.

By Representative Kottkamp—

HB 1381—A bill to be entitled An act relating to Lee County; creating the Sanibel Public Library District, an independent special district for public library purposes in the county; providing legislative intent; providing a charter for the district; fixing boundaries of the district; providing powers; providing for a governing body, officers, budget and taxing authority, and indebtedness; providing for planning; providing for construction and severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1421—A bill to be entitled An act relating to Indian River Farms Water Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; providing territorial boundaries of the district; making the provisions of ch. 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for fines for introducing pollutants into the waters of the district; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1423—A bill to be entitled An act relating to the St. Johns Water Control District, Indian River County; codifying, amending, and reenacting special acts relating to the district; fixing and prescribing boundaries of said district; making the provisions of chapter 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the county and tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that the board may enter into certain covenants and agreements with holders of bonds; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for the levy of fines for the introduction of pollutants into the waters of the district; providing additional powers of the board; providing for severability of the provisions of the act; repealing chapters 65-812 and 69-1162, Laws of Florida, relating to the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1425—A bill to be entitled An act relating to the Technological Research and Development Authority, Brevard County; codifying, amending, reenacting, and repealing special acts relating to the district; providing purposes of the authority; setting a commission to govern the authority; prescribing the duties and responsibilities of the commission and terms of office; providing a procedure for the appointment of the commission; providing for liberal construction; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Reagan—

HB 1429—A bill to be entitled An act relating to Manatee and Sarasota Counties; creating within portions of such counties the “Lakewood Ranch Stewardship District Act”; providing a popular name; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members’ terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing that the exercise of the special powers by the district within Manatee and Sarasota Counties is limited until such time as the district enters into an interlocal agreement with the respective county; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Machek—

HB 1433—A bill to be entitled An act relating to the Hobe-St. Lucie Conservancy District, Martin County; codifying, amending, reenacting, and repealing chapter 88-514, Laws of Florida, relating to the district; providing legislative intent; providing boundaries; providing powers; providing for a referendum to expand territorial boundaries; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Traviesa—

HB 1451—A bill to be entitled An act relating to insurance; creating s. 624.1275, F.S.; proscribing state agencies and political subdivisions from prohibiting or excluding licensed insurance agents from competing or negotiating for certain insurance products or plans; providing a definition; amending s. 636.044, F.S.; authorizing certain persons to engage in the solicitation and sale of certain insurance relating to air ambulance transportation costs; providing requirements and limitations; amending

s. 943.135, F.S.; authorizing certain employing agencies to require law enforcement officers and correctional officers to pass certain physical examinations for certain purposes; providing criteria, requirements, and limitations; authorizing certain employing agencies to set tobacco use standards for law enforcement officers and correctional officers employed by local governments; amending s. 631.181, F.S.; providing an exception to certain requirements for a signed statement for certain claims; providing requirements; creating s. 631.1915, F.S.; providing requirements for policyholder collateral, deductible reimbursements, and other policyholder obligations; specifying that certain collateral held by an insurer or a receiver to secure policyholder obligations under a deductible agreement are not an estate asset; requiring use of such collateral to secure policyholder obligations under such agreement; requiring a receiver to use such collateral to pay noncovered claims under certain circumstances; providing for certain claims to be claims against an insurer's estate under certain circumstances; requiring a receiver to allocate collateral among certain obligations and administer such collateral; authorizing a receiver to continue and enforce certain alternative policyholder claim funding contractual agreements; specifying certain actions as a bar to certain claims and an extinguishment of certain obligations; requiring a guaranty association to bill a policyholder for certain reimbursement amounts for certain claims; specifying policyholder obligation for certain amounts; prohibiting certain defenses; requiring a receiver to use certain collateral for certain purposes; requiring a receiver to prorate certain funds of an estate under certain circumstances; authorizing a guaranty association to deduct certain expenses; requiring a guaranty association to provide a complete accounting of certain billing and collection activities; authorizing a guaranty association to contract for certain collections; providing for claims against an insolvent insurer's estate for certain unreimbursed claims payments; requiring a receiver to periodically adjust collateral held pursuant to a deductible agreement; specifying jurisdiction of a state court to resolve disputes; preserving rights of a guaranty association to reimbursement for certain claims; providing application to certain orders of liquidation; providing definitions; providing for nonapplication to certain claims; amending s. 631.54, F.S.; revising a definition; amending s. 631.56, F.S.; revising the membership of the board of directors of the Florida Insurance Guaranty Association, Inc.; amending s. 631.57, F.S.; revising requirements and limitations for obligations of the association for covered claims; authorizing the association to contract with counties and municipalities to issue revenue bonds for certain purposes; creating s. 631.695, F.S.; providing legislative findings and purposes; providing for issuance of revenue bonds through counties and municipalities to fund assistance programs for paying covered claims for hurricane damage; providing procedures, requirements, and limitations for counties, municipalities, and the Florida Insurance Guaranty Association, Inc., relating to issuance and validation of such bonds; providing for payments on and retirement of such bonds from certain assessments; prohibiting pledging the funds, credit, property, and taxing power of the state, counties, and municipalities for payment of bonds; specifying authorized uses of bond proceeds; limiting the term of bonds; specifying a state covenant to protect bondholders from adverse actions relating to such bonds; specifying exemptions for bonds, notes, and other obligations of counties and municipalities from certain taxes or assessments on property and revenues; authorizing counties and municipalities to create a legal entity to exercise certain powers; requiring the association to issue an annual report on the status of certain uses of bond proceeds; providing report requirements; requiring the association to provide a copy of the report to the Legislature and Chief Financial Officer; prohibiting repeal of certain provisions relating to certain bonds under certain circumstances; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Representative Sobel—

HB 1477—A bill to be entitled An act relating to Broward County; providing for the extension of corporate limits of the City of Cooper City and the Town of Davie; providing for annexation of the unincorporated area known as “United Ranches”; providing for annexation of the area known as “Rio Ranches Neighborhood”; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

HB 1479—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; codifying, amending, reenacting, and repealing chapters 71-580, 84-398, 85-387, 87-505, 89-440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida, relating to the district; providing legislative intent; deleting gender-specific references; providing a district charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Grimsley—

HB 1487—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, amending, and repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; providing for minimum charter requirements; providing for provision of other laws made applicable; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown and others—

HB 1515—A bill to be entitled An act relating to the Board of Trustees of Bay Medical Center, Bay County; codifying, amending, reenacting, and repealing chapters 23183 (1945), 27396 (1951), 30578 (1955), 57-1140, 59-1073, 61-1871, 61-1876, 93-375, and 95-510, Laws of Florida, relating to the Board of Trustees of Bay Medical Center, an independent special district of the State of Florida; providing legislative intent for the ratification and confirmation of the establishment of the district; ratifying the appointments and terms of existing members of the board; deleting obsolete language; providing alternative methods for disbursing and receiving funds of the board; confirming inapplicability of the Administrative Procedure Act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 1537—A bill to be entitled An act relating to Walton County; creating the Glendale Fire District, an independent special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing powers, duties, and responsibilities of the board; preserving the authority to levy non-ad valorem special assessments; providing for impact fees; authorizing the board to levy special assessments; providing legislative intent; providing duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution;

providing immunity from tort liability for officers, agents, and employees; providing for construction and effect; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Joyner and others—

HB 1559—A bill to be entitled An act relating to respite care; creating s. 400.4071, F.S.; creating an intergenerational respite care assisted living facility pilot program; providing legislative intent; providing duties of the Agency for Health Care Administration with respect to the program; providing requirements and standards for the program; providing for rules; requiring a report to the Legislature; providing an effective date.

—was referred to Committees on Health Care; and Health and Human Services Appropriations.

By Representative Hasner and others—

HB 1597—A bill to be entitled An act relating to hydrogen energy technology; creating s. 377.801, F.S.; creating the Hydrogen Energy Technologies Act; providing a popular name; creating s. 377.802, F.S.; providing legislative findings and intent; creating s. 377.803, F.S.; providing legislative purpose; creating s. 377.804, F.S.; providing definitions; creating s. 377.805, F.S.; creating the Hydrogen Energy Technologies Grants Program in the Department of Environmental Protection to provide grants for demonstration, commercialization, research, and development projects relating to hydrogen energy technologies; providing requirements and procedures therefor; providing rulemaking authority; amending s. 212.08, F.S.; creating a sales tax exemption for certain hydrogen energy technology projects; providing requirements and procedures therefor; requiring the Department of Environmental Protection to make determinations relating to certain projects; authorizing the Department of Revenue to adopt rules for tax exempt purchases; providing for future repeal of the exemption; amending s. 213.053, F.S.; providing for information sharing between the Department of Revenue and the Department of Environmental Protection; amending s. 220.02, F.S.; providing for the addition of tax credits relating to hydrogen energy technologies in the priority order of tax credits; creating s. 220.192, F.S.; creating a hydrogen energy technologies investment tax credit; providing definitions; providing requirements and procedures therefor; authorizing the Department of Revenue to perform certain audits and investigations; requiring the Department of Environmental Protection to provide technical assistance in certain audits and investigations; providing for revocation or modification of credits; providing for payment of tax and interest under certain circumstances; providing rulemaking authority; providing for future repeal of the credit; amending s. 220.13, F.S.; revising the definition of the term “adjusted federal income” to include the amount taken as a credit for expenses related to hydrogen energy technologies; amending s. 366.075, F.S.; authorizing the Florida Public Service Commission to approve experimental or transitional rates to encourage the use of renewable energy; amending s. 366.8255, F.S.; revising the definition of the term “environmental compliance costs” to include costs related to the deployment of hydrogen energy technologies; providing for cost recovery of utility investment in hydrogen energy technologies; amending s. 633.022, F.S.; authorizing the State Fire Marshal to adopt uniform standards for hydrogen fueling, storage, and production facilities; providing rulemaking authority; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Environmental Preservation; Commerce and Consumer Services; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

By Representative Patterson and others—

HB 1651—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; providing that pt. XIII of ch. 400, F.S., the Health Care Clinic Act, does not apply to clinical facilities affiliated with certain chiropractic colleges; amending s. 460.402, F.S.; providing an exception to regulation for chiropractic students participating in chiropractic college clinical internships; amending s. 460.403, F.S.; defining “chiropractic college clinical internship”; providing an effective date.

—was referred to Committees on Health Care; and Education.

By Representative Sobel—

HB 1657—A bill to be entitled An act relating to the Downtown Development Authority of the City of Fort Lauderdale, Broward County; codifying, amending, reenacting, and repealing chapters 65-1541, 67-1385, 69-1056, 75-371, 80-501, 85-393, 87-507, 89-431, 92-247, 93-392, and 95-531, Laws of Florida; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Evers—

HB 1677—A bill to be entitled An act relating to the Avalon Beach-Mulat Fire Protection District, Santa Rosa County; codifying, amending, reenacting, and repealing the special acts pertaining to the Avalon Beach-Mulat Fire Protection District; providing definitions; requiring the board to make annual reports; repealing chapters 80-608, 82-378, 82-379, and 91-392, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative H. Gibson—

HB 1705—A bill to be entitled An act relating to Lake County; amending chapter 93-358, Laws of Florida; revising provisions governing career service with the Lake County Sheriff's Office; revising definitions; deleting provisions relating to the establishment of divisions within the office; providing effect of voluntary and involuntary termination of employment on career service status; authorizing demotion of certain employees without cause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary; and Representative Simmons and others—

HB 1709—A bill to be entitled An act relating to the state minimum wage; amending s. 95.11, F.S.; providing periods of limitations on actions for violations of the Florida Minimum Wage Act; creating s. 448.110, F.S., the Florida Minimum Wage Act; providing legislative intent to implement s. 24, Art. X of the State Constitution in accordance with authority granted to the Legislature therein; requiring employers to pay certain employees a minimum wage for all hours worked in Florida; incorporating provisions of the federal Fair Labor Standards Act; requiring the minimum wage to be adjusted annually; providing a formula for calculating such adjustment; requiring the Agency for Workforce Innovation and the Department of Revenue to annually publish the amount of the initial and adjusted minimum wage; providing criteria for posting; requiring the agency to provide written notice to certain employers; providing a deadline for the notice to be mailed; providing that employers are responsible for maintaining their current addresses with the

agency; requiring the agency to provide the department with certain information; prohibiting discrimination or adverse action against persons exercising constitutional rights under s. 24, Art. X of the State Constitution; providing for civil action by aggrieved persons; requiring aggrieved persons bringing civil actions to provide written notice to their employers alleged to have violated the act; providing information that must be included in the notice; providing a deadline by which an employer alleged to have violated the act must pay the unpaid wages in question or resolve the claim to the aggrieved person's satisfaction; providing a statute of limitations period; providing that aggrieved persons who prevail in their actions may be entitled to liquidated damages and reasonable attorney's fees and costs; authorizing additional legal or equitable relief for aggrieved persons who prevail in such actions; providing that punitive damages may not be awarded; providing that actions brought under the act are subject to s. 768.79, F.S.; authorizing the Attorney General to bring a civil action and seek injunctive relief; providing a fine; providing statutes of limitations; authorizing class actions; declaring the act the exclusive remedy under state law for violations of s. 24, Art. X of the State Constitution; providing for implementation measures; designating ss. 448.01-448.110, F.S., as part I of ch. 448, F.S.; providing a part title; providing for severability; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By the Committee on Agriculture; and Representative Stansel—

HB 1717—A bill to be entitled An act relating to agriculture; amending s. 193.451, F.S.; clarifying the value for purpose of assessment for ad valorem taxes of certain property leased by the Department of Agriculture and Consumer Services; providing intent for retroactive application; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a part title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; revising definition of the term “material safety data sheet” for purposes of the Florida Agricultural Worker Safety Act; creating s. 487.2042, F.S.; providing for investigation of complaints; providing criteria for the commencement of an investigation; providing for exemption from civil liability under certain circumstances; providing penalties for making a false complaint; amending s. 502.014, F.S.; deleting a duty of the department relating to issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting reference to a milk type no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of “frozen desserts”; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; amending s. 570.07, F.S.; clarifying the power of the department relating to standards and fines; providing an additional power of the department; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; authorizing agreements with third-party providers to administer or implement the program; amending s. 570.9135, F.S.; correcting a reference; amending s. 570.952, F.S.; revising the membership of the Florida Agriculture Center and Horse Park Authority; providing criteria for expiration of terms; deleting requirement of submission of information to the Legislature; amending s. 581.011, F.S.; defining the term “invasive plant”; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel

production or purposes other than agriculture in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term “certificate of deposit”; requiring removal and destruction of plants under certain circumstances; specifying circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing requirement for an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for department regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing severability; providing an effective date.

—was referred to the Committees on Agriculture; Environmental Preservation; and Judiciary.

By Representative Kendrick—

HB 1793—A bill to be entitled An act relating to Alligator Point Water Resources District, Franklin County; codifying, amending, reenacting, and repealing chapters 63-1350 and 85-414, Laws of Florida; providing legislative intent; providing definitions; providing that the district may provide sewer and wastewater collection and disposal services; providing severability; providing construction; providing for annexation; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 1829—A bill to be entitled An act relating to Holmes County; amending chapter 30843, Laws of Florida (1955), as amended, relating to the Holmes County Hospital Corporation; revising provisions relating to the corporation's issuance of bonds to construct and erect a new hospital facility in Holmes County; repealing various provisions of said chapter; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Environmental Regulation; and Representative Needelman and others—

HB 1855—A bill to be entitled An act relating to natural resources; amending s. 376.121, F.S.; providing an alternative to the compensation schedule for calculating natural resources damages; revising procedures relating to damage assessment; removing a restriction on amount of compensation; amending s. 380.06, F.S.; revising factors for determining a substantial deviation in developments of regional impact; amending s. 380.23, F.S.; revising the federally licensed or permitted activities subject to consistency review under the coastal management program; requiring certain environmental impact reports to be data and information for the state's consistency reviews; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Communications and Public Utilities.

By the Committee on Governmental Operations; and Representative Kottkamp and others—

HB 1859—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 20.19, F.S.; revising provisions relating to plans, projections, and the mission of the Department of Children and Family Services; amending s. 20.315, F.S.; revising provisions relating to an evaluation of the Department of Corrections by the Florida Corrections Commission; amending s. 20.316, F.S.; revising provisions relating to reports of the Department of Juvenile Justice; amending ss. 20.43, 39.001, and 39.3065, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 39.4086, F.S., relating to a pilot program for attorneys ad litem for dependent children; amending ss. 39.523 and 98.255, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending s. 120.695, F.S., relating to a review of administrative rules; repealing s. 153.952, F.S., relating to legislative findings and intent concerning the condition or operation of privately owned water or wastewater utility systems and facilities; amending s. 161.053, F.S.; deleting obsolete provisions relating to the establishment of coastal construction control lines; amending s. 370.12, F.S.; conforming a cross reference; amending s. 161.161, F.S.; revising provisions relating to reporting requirements for beach erosion control projects; repealing s. 163.2526, F.S., relating to review and evaluation of specified provisions relating to urban infill and redevelopment; amending ss. 163.3167, 163.3177, 163.3178, 163.519, 186.007, 189.4035, 189.412, 194.034, 206.606, 212.054, and 212.08, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 213.0452, F.S., relating to certain required reporting by the Department of Revenue; repealing s. 213.054, F.S., relating to an annual report concerning persons claiming certain tax exemptions or deductions; amending ss. 215.5601 and 215.70, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending s. 253.7825, F.S.; deleting provisions relating to a conceptual recreational plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to certain canal structures; repealing s. 253.7829, F.S., relating to management plan for retention or disposition of former Cross Florida Barge Canal lands; repealing s. 265.56, F.S., relating to an annual report by the Department of State concerning certain indemnity claims; amending s. 267.074, F.S.; deleting requirements for a specified plan relating to historical markers; amending ss. 282.102, 284.50, 287.045, 287.16, and 288.108, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 288.1226, 288.1229, 288.7015, 288.853, 288.95155, 288.9604, 288.9610, 292.04, and 292.05, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 296.16, F.S., relating to reports concerning the Veterans' Domiciliary Home of Florida; repealing s. 296.39, F.S., relating to reports concerning veterans nursing homes; amending ss. 315.03, 319.324, 322.181, 322.251, 365.171, 365.172, 365.173, 366.82, 369.22, 370.26, 372.5712, and 372.5715, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 372.673, F.S., relating to the Florida Panther Technical Advisory Council; repealing s. 372.674, F.S., relating to the Advisory Council on Environmental Education; amending s. 372.672, F.S.; conforming to the repeal of s. 372.674, F.S.; amending ss. 373.0391, 373.046, 373.1963, and 376.121, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 376.17, F.S., relating to reports concerning operation of a specified pollution control program; amending ss. 376.30713, 377.703, and 380.0677, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 259.041 and 259.101, F.S.; correcting cross references; amending s. 381.0011, F.S.; deleting specified requirements for a Department of Health strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS for specified professional licensure applicants; amending ss. 381.732 and 381.733, F.S.; conforming cross references; amending ss.

381.795, 381.90, 381.931, and 383.19, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 383.21, F.S., relating to review of certain perinatal intensive care programs; amending ss. 383.2161, 384.25, 394.4573, 394.4985, and 394.75, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 394.82, F.S., relating to expanded funding of certain services; amending s. 394.655, F.S.; conforming provisions to the repeal of s. 394.82, F.S.; amending s. 394.9082, F.S.; revising provisions relating to behavioral health service strategies; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; amending ss. 395.807, 397.321, 397.333, 397.94, 400.0067, 400.0075, 400.0089, 400.407, 400.419, 400.441, 400.967, 402.3016, 402.40, 402.73, 403.067, and 403.4131, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 403.756, F.S., relating to a report concerning oil recycling; amending ss. 403.7226 and 403.7265, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending s. 403.7264, F.S.; conforming a cross reference; amending ss. 403.7895, 406.02, 408.033, 408.914, and 408.915, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 408.917, F.S., relating to evaluation of a health care eligibility pilot project; amending s. 409.1451, F.S.; revising reporting requirements relating to independent living transition services; repealing s. 409.146, F.S., relating to a children and families client and management information system; repealing s. 409.152, F.S., relating to service integration and family preservation goals; amending ss. 409.1679, 409.1685, 409.178, 409.221, 409.25575, 409.2558, 409.2567, 409.441, 409.906, 409.9065, 409.91188, and 409.912, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 394.9082, 409.9065, 409.91196, and 641.386, F.S.; conforming cross references; repealing s. 410.0245, F.S., relating to a study of service needs; amending s. 410.604, F.S.; deleting a requirement for an evaluation and report concerning a specified community care for disabled adults program; repealing s. 411.221, F.S., relating to a prevention and early assistance strategic plan; amending ss. 411.01 and 411.232, F.S.; conforming provisions to the repeal of s. 411.221, F.S.; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later (ENABL) program; amending ss. 413.402, 414.1251, 414.14, 414.36, 414.391, 415.1045, 420.622, 420.623, 427.704, 427.706, 430.04, 430.502, 445.003, 445.004, and 445.006, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; conforming provisions to the repeal of s. 411.242, F.S.; amending ss. 445.022 and 445.049, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 446.27, F.S., relating to a youth-at-risk pilot program annual report; amending s. 446.50, F.S.; deleting provisions relating to initial submittal of the displaced homemaker program plan; repealing s. 455.204, F.S., relating to long-range policy planning concerning professional regulation; amending ss. 455.2226, 455.2228, 456.005, 456.025, 456.031, 456.033, 456.034, and 517.302, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 526.3135, F.S., relating to reports by the Division of Standards of the Department of Agriculture and Consumer Services; amending s. 531.415, F.S., relating to a required notice to the Legislature concerning certain weights and measures regulation fees; repealing s. 553.975, F.S., relating to a report concerning energy conservation standards; amending ss. 570.0705, 570.0725, 570.235, 570.543, 570.952, 603.204, 627.351, 627.64872, 744.7021, 744.708, 765.5215, 768.295, 775.084, 790.22, 932.7055, 943.125, 943.68, 944.023, 944.801, 945.35, 958.045, 960.045, 985.02, 985.08, and 985.3045, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 985.3046, F.S., relating to certain reports concerning agencies and entities providing prevention services; amending ss. 985.305 and 985.3155, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 985.403, F.S., relating to a task force on juvenile sexual offenders and their victims; amending s. 985.412, F.S.; deleting a provision relating to submittal of a proposal concerning incentives for certain Department of

Juvenile Justice providers; amending ss. 1003.492, 1003.61, and 1004.50, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 1006.0605, F.S., relating to reports concerning student summer nutrition programs; amending ss. 1007.27, 1009.70, 1011.32, 1011.62, 1012.42, and 1013.03, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 20.165, 309.01, 310.011, 455.01, and 455.217, F.S.; revising terminology relating to the organization of the Department of Business and Professional Regulation; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; and Government Efficiency Appropriations.

By the Committee on Business Regulation; and Representative Att-kisson and others—

HB 1901—A bill to be entitled An act relating to pari-mutuel wagering; creating the Keep the Promise Act of 2005 to implement s. 23, Art. X of the State Constitution; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; amending s. 20.165, F.S.; establishing a Division of Slot Machines in the Department of Business and Professional Regulation; amending s. 550.5251, F.S.; revising licensing and permit requirements relating to required operating days for certain thoroughbred racing permitholders; revising timeframe for application of certain requirements; deleting requirement that certain thoroughbred permitholders operate the full number of days; providing for validity of certain permits; creating chapter 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by local referendum; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; providing definitions; providing legislative intent; providing powers and duties of the division; providing for construction of such provisions; directing the division to adopt rules necessary to implement, administer, and regulate slot machine gaming; requiring such rules to include application procedures, certain technical requirements, procedures relating to revenue, certain regulation and management and auditing procedures, certain bond requirements, and requirements for record maintenance, and payouts; providing for investigations by the division, the Department of Law Enforcement, and local law enforcement; providing for the investigation of violations in conjunction with other agencies; providing specified law enforcement powers to the division; providing for access to slot machine licensee facilities by the division, the Department of Law Enforcement, or local law enforcement; authorizing the division, the Department of Law Enforcement, or local law enforcement to make certain inspections and examinations; authorizing the division to collect certain monies and deny, revoke, suspend, or place conditions on the license under certain circumstances; providing for suspension or revocation of the license of an unqualified applicant or licensee; authorizing the division to adopt emergency rules for the regulation of slot machine gaming; providing for licensure to conduct slot machine gaming; prohibiting the division from accepting applications or issuing slot machine licenses prior to adoption of rules; providing for application for licensure; providing conditions for conducting slot machine gaming; providing requirements for receiving and maintaining a license which include compliance with slot machine regulations and regulations relating to pari-mutuel wagering, maintaining the pari-mutuel permit and license, conducting a certain number of live races or games, allowing access by the division, and submission of security plans; requiring prior approval by the division of certain changes in ownership of slot machine licenses; requiring notice to the division of certain changes in ownership; requiring permitholders to submit certain information and certification relating to games to the division and the Department of Law Enforcement; requiring review and approval of games by division; requiring a slot machine licensee to submit internal control procedures to the division for review and approval; authorizing the amendment of a pari-mutuel license within a specified

time; providing for a reduction in the required number of live races or games under certain circumstances; prohibiting transfer of a license; providing a limit on the number of slot machines at a facility; requiring slot machine licensees to maintain certain reports for submission to the division; providing for an audit by an independent certified public accountant of the receipt and distribution of slot machine revenues; providing for annual renewal of the license; providing for a renewal application and procedures for approval; requiring corporate slot machine licensees to apply for and be issued a certificate of status; specifying the payment of state and local taxes as a condition for a slot machine license; requiring certification by the Department of Revenue of the payment of certain state and local taxes by a slot machine licensee; directing the division to revoke, suspend, or refuse to renew the license for failure to pay such taxes; requiring the slot machine licensee pay to the division an initial and annual license fee; providing for deposit of the fee into the Slot Machine Administrative Trust Fund for certain purposes; requiring the division to evaluate the license fee and make recommendations to the Legislature; providing for a tax on slot machine revenues to be deposited into the Educational Enhancement Trust Fund; requiring that slot machine taxes shall be used to supplement and not supplant public education dollars; requiring tax proceeds be first used to fund a grant program for laptop computers for certain students; directing the State Board of Education to adopt rules to implement such program; providing payment procedures; providing penalties for failure to make payments; providing for submission of funds by electronic funds transfer; providing for general, professional, and business occupational licenses; prohibiting transfer of such licenses; prohibiting a slot machine licensee from employing or doing business with persons or businesses unless such person or business is properly licensed; requiring occupational licensees to display identification cards under certain circumstances; providing for application forms, fees, and procedures; authorizing the division to adopt rules relating to applications, licensure, and renewal of licensure and fees therefor; requiring slot machine licensee to pay licensure fees of general occupational licensees; providing for reciprocal disciplinary actions with other jurisdictions; providing for disciplinary actions against a licensee for certain violations of regulations or laws; requiring fingerprints and criminal records checks of applicants or licensees; requiring certain costs of the records check be borne by the applicant or licensee; requiring licensees to provide equipment for electronic submission of fingerprints; authorizing the retention of fingerprints for the purposes of entering fingerprints into the state-wide automated fingerprint identification system by a certain date; requiring licensees to inform the division of conviction of disqualifying criminal offenses; requiring certain racetracks and frontons to pay an annual fee; authorizing the Department of Law Enforcement to adopt rules relating to fingerprinting costs and procedures; requiring periodic additional criminal history checks for purposes of screening following issuance of a license; providing for distribution of funds into the Slot Machine Administrative Trust Fund; prohibiting certain relationships between employees of the division or board and licensees of the division; prohibiting division employees and occupational licensees and certain of their relatives from wagering on slot machines at certain facilities; prohibiting contracts that provide for revenue sharing between a manufacturer or distributor and slot machine licensees; prohibiting ownership or financial interests in slot machine licensees by certain manufacturers or distributors; prohibiting licensees or any entity conducting business on or within a licensed slot operation from employing employees of certain law enforcement or regulatory agencies; prohibiting certain false statements, exclusion of revenue for certain purposes, cheating, and theft of proceeds; providing penalties; providing for arrest and recovery; limiting liability for arrest and detention; providing penalties for resisting recovery efforts; authorizing manufacture, sale, distribution, possession, and operation of slot machines under certain circumstances; authorizing the division to exclude any person from licensed facilities under certain circumstances; directing the division to require certain signage in designated gaming areas and require certain equipment or facilities relating to races or games within the gaming area; requiring permitholder to provide office space; prohibiting a licensee and employees and agents of the licensee from allowing a person under a certain age to operate slot machines or to have access to the gaming area; prohibiting complimen-

tary alcoholic beverages, loans or credit, acceptance or cashing of third-party checks, and automatic teller machines; authorizing the suspension of play of slot machines by the division or the Department of Law Enforcement for suspicion of tampering or manipulation; limiting linkage of operating systems; prohibiting certain player enticements; providing for the hours of operation of slot machines; providing that the slot machine licensee is eligible for a caterer license under specified provisions; requiring the slot machine licensee maintain certain purchasing and hiring policies, use a certain job listing service provided by the Agency for Workforce Innovation, and implement certain equal employment opportunities; providing penalties for certain violations by a licensee; providing for deposit of fines collected; creating the State Slot Machine Gaming Board within the division; providing that the board is not a state entity; providing for public meetings and records of the board; providing for offices and personnel of the board; requiring the board comply with specified ethics provisions; providing for expenditures of state funds derived from regulatory fees; requiring the division provide administrative support for the board; providing purpose of the board; providing for membership of the board; providing for appointment and confirmation and terms of members; requiring financial disclosure; prohibiting interests in any slot machine licensee or the gambling industry; providing that members are state officers for specified purposes; authorizing per diem and travel expenses; providing for removal of members; providing for organization and meetings of the board; providing powers and duties of the board; authorizing the board to receive certain information and testimony; providing for evaluations, recommendations, and reports; directing the division to provide the board with certain proposed rules for review and response; requiring the board to prepare an annual report to be submitted to the Governor and Legislature; providing for content of the report; directing the Office of Program Policy Analysis and Government Accountability to conduct an annual performance audit of the board, the division, and slot machine licensees; providing for content of the audit; directing that office to submit the audit's findings and recommendations to the Governor and the Legislature; requiring the chief law enforcement officer of certain counties and municipalities to annually execute and transmit to the board an affidavit relating to certain funding; requiring the governing body of certain counties and municipalities and tourist development councils to annually adopt and transmit to the board a resolution relating to the operations of slot machine gaming; authorizing other governing bodies to transmit such a resolution to the board; authorizing the division to contract for a compulsive gambling treatment and prevention program; amending s. 849.15, F.S.; providing for transportation of certain gaming devices in accordance with federal law; amending s. 895.02, F.S.; providing that specified violations related to slot machine gaming constitute racketeering activity; providing that certain debt incurred in violation of specified provisions relating to slot machine gaming constitutes unlawful debt; preempting slot machine regulation to the state; providing for referenda deauthorizing slot machine operations as an undue burden; authorizing referenda declaring slot machine operations an undue burden; requiring a petition for a referendum; providing for ratification of tribal-state compacts by the Legislature; directing the Department of Transportation to conduct a study on the access roads to pari-mutuel facilities and Indian reservation lands where gaming activities occur; providing for content of the study; requiring a report to the Governor and the Legislature; providing appropriations for the Department of Business and Professional Regulation, the Department of Law Enforcement, and the Office of the State Attorney to carry out the provisions of the act; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Ways and Means.

By the Committee on Justice Appropriations; and Representative Barreiro and others—

HB 1917—A bill to be entitled An act relating to juvenile justice; amending s. 943.0515, F.S.; deleting the term “juvenile prison”; amending s. 985.03, F.S.; revising definitions relating to juvenile justice; creating a definition for the term “day treatment”; creating the minimum-risk

nonresidential restrictiveness level; providing that temporary release may be granted under specified conditions to youth committed to the high-risk residential restrictiveness level; providing that high-risk residential facilities may be environmentally secure; removing juvenile prisons from the maximum-risk residential level; amending s. 985.201, F.S.; conforming to definition changes; amending s. 985.207, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; providing for a child to be taken into custody for specified court findings; amending s. 985.208, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.213, F.S.; providing that permissible detention findings include specified criteria for taking a child into custody; amending s. 985.215, F.S.; providing for release from detention for a child who has absconded; providing exceptions that permit a child to be placed in detention postadjudication for more than 15 days; providing procedures for exceptions; conforming a cross reference; providing for detention for committed children awaiting placement; providing secure detention for children awaiting minimum-risk placement who violate home or nonsecure detention or electronic monitoring; providing for limited secure detention for children being transported to residential commitment programs; amending s. 985.2155, F.S.; revising the definition of a fiscally constrained county; amending s. 985.228, F.S.; requiring the court to include specified conditions in an order of adjudication of delinquency that are applicable to a youth for the postadjudication and predisposition period; amending s. 985.231, F.S.; revising provisions relating to powers of disposition; permitting a court to specify the program or facility a youth shall be placed in when committed; providing procedures for a court's specific placement; providing for commitment of a child to a specific high-risk residential or maximum-risk residential program or facility; providing the maximum length for a minimum-risk nonresidential commitment for a second degree misdemeanor; providing that the department or a provider report quarterly to the court the child's treatment plan progress; making conforming changes; amending s. 985.2311, F.S.; providing that parents shall pay fees for costs of supervision related to minimum-risk nonresidential commitment; amending s. 985.313, F.S.; conforming to definitions changes; amending s. 985.316, F.S.; providing for assessment of residentially committed youth for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; creating a new task force on juvenile sexual offenders and their victims; providing powers and duties; providing membership; requiring a report; providing for administrative support; providing for dissolution of the task force; creating a task force to study the certification of professional staff working for a provider of juvenile justice services; providing membership; requiring the task force to consider the feasibility of implementing and operating a certification system for professional staff; requiring the task force to consider specified issues; directing the task force to recommend a process for testing and validating the effectiveness of the recommended staff development system; requiring the task force to prepare and submit a report of its deliberations and recommendations by a specified date; providing for administrative support; providing for dissolution of the task force; amending s. 985.404, F.S.; requiring the court to issue written orders granting or denying specified department-requested transfers for committed youth; permitting the court to conduct a hearing; prohibiting specified department-requested transfers prior to department receipt of a written court order granting the transfer; amending s. 985.4135, F.S.; requiring juvenile justice county councils to develop criteria for law enforcement referrals to juvenile assessment centers; providing for permissible representation on juvenile justice county councils or circuit boards; amending ss. 784.075, 984.05, 985.31, and 985.3141, F.S.; conforming cross references; reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k), and 985.311(3)(e), F.S., relating to jurisdiction, sentencing alternatives, commitment of serious or habitual juvenile offenders, and eligibility for an intensive residential treatment program for offenders less than 13 years of age, respectively, to incorporate the amendment to s. 985.231, F.S., in reference thereto; amending s. 985.407, F.S.; changing the level of background screening required for certain department and provider employees from level 1 to level 2; requiring federal criminal records checks every 5 years for certain department and provider employees; providing for electronic submission of specified fingerprint information; providing for retention of specified fingerprint information;

providing for searches; requiring the adoption of rules; providing for an annual fee; providing for notice of changes in the employment status of persons whose fingerprint information is retained; requiring the removal of fingerprint information upon the occurrence of specified events; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; and Justice Appropriations.

By the Health and Families Council; and Representative Benson and others—

HCB 6003 (for HB's 1869, 1871, 1873, 1875)—A bill to be entitled An act relating to Medicaid reform; providing a popular name; providing legislative findings and intent; providing waiver authority to the Agency for Health Care Administration; providing for implementation of demonstration projects; providing definitions; identifying categorical groups for eligibility under the waiver; establishing the choice counseling process; providing for disenrollment in a plan during a specified period of time; providing conditions for changes; requiring managed care plans to include mandatory Medicaid services; requiring managed care plans to provide a wellness and disease management program, pharmacy benefits, behavioral health care benefits, and a grievance resolution process; authorizing the agency to establish enhanced benefit coverage and providing procedures therefor; establishing flexible spending accounts; providing for cost sharing by recipients, and requirements; requiring the agency to submit a report to the Legislature relating to enforcement of Medicaid copayment requirements and other measures; providing for the agency to establish a catastrophic coverage fund or purchase stop-loss coverage to cover certain services; requiring a managed care plan to have a certificate of operation from the agency before operating under the waiver; providing certification requirements; providing for reimbursement of provider service networks; providing an exemption from competitive bid requirements for provider service networks under certain circumstances; providing for continuance of contracts previously awarded for a specified period of time; requiring the agency to have accountability and quality assurance standards; requiring the agency to establish a medical care database; providing data collection requirements; requiring certain entities certified to operate a managed care plan to comply with ss. 641.3155 and 641.513, F.S.; providing for the agency to develop a rate setting and risk adjustment system; authorizing the agency to allow recipients to opt out of Medicaid and purchase health care coverage through an employer-sponsored insurer; requiring the agency to apply and enforce certain provisions of law relating to Medicaid fraud and abuse; providing penalties; requiring the agency to develop a reimbursement system for school districts participating in the certified school match program; providing for integrated fixed payment delivery system for Medicaid recipients who are a certain age; authorizing the agency to implement the system in certain counties; providing exceptions; requiring the agency to provide a choice of managed care plans to recipients; providing requirements for managed care plans; requiring the agency to withhold certain funding contingent upon the performance of a plan; requiring the plan to rebate certain profits to the agency; authorizing the agency to limit the number of enrollees in a plan under certain circumstances; providing for eligibility determination and choice counseling for persons who are a certain age; requiring the agency to evaluate the medical loss ratios of certain managed care plans; authorizing the agency to adopt rules for minimum loss ratios; providing for imposition of liquidated damages; authorizing the agency to grant a modification of certificate-of-need conditions to nursing homes under certain circumstances; requiring integration of Medicare and Medicaid services; providing legislative intent; providing for awarding of funds for managed care delivery system development, contingent upon an appropriation; requiring the Office of Program Policy Analysis and Government Accountability conduct a study of the feasibility of establishing a Medicaid buy-in program for certain non-Medicaid eligible persons; requiring the office to submit a report to the Legislature; providing applicability; granting rulemaking authority to the agency; requiring legislative authority to implement the waiver; requiring the Office of Program

Policy Analysis and Government Accountability to evaluate the Medicaid reform waiver and issue reports; requiring the agency to submit status reports; requiring the agency to contract for certain evaluation comparisons; providing for future review and repeal of the act; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program;

providing an appropriation for the purpose of contracting to monitor and evaluate clinical practice patterns; providing an appropriation for the purpose of contracting for the database to review real-time utilization of Medicaid services; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing appropriations; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By the Education Council; and Representative Mayfield and others—

HCB 6005 (for HB's 119, 167, 935, 1613, 1655, 1837, 1853)—A bill to be entitled An act relating to enhanced student opportunities; providing a popular name; amending s. 20.15, F.S.; providing for appointment of a Deputy Commissioner of Career Education in the Department of Education; amending s. 446.032, F.S.; providing duties of the department relating to apprenticeship programs and services; repealing s. 446.609, F.S., relating to the Jobs for Florida's Graduates program; amending s. 464.019, F.S.; authorizing the Board of Nursing to change faculty-to-student ratios only under certain circumstances; requiring a study to evaluate rules regarding clinical instruction; providing for assistance to approved nursing programs to expand capacity; amending s. 464.0195, F.S.; requiring the Florida Center for Nursing to develop and maintain an information system; requiring an implementation plan; amending s. 1001.02, F.S.; revising State Board of Education duties with respect to developing a postsecondary enrollment plan; requiring State Board of Education rules that address baccalaureate degree programs at community colleges; amending s. 1001.20, F.S.; creating the Office of Career Education in the Department of Education and providing responsibilities of the office; amending s. 1001.64, F.S.; providing that community colleges that grant baccalaureate degrees remain under the authority of the State Board of Education with respect to specified responsibilities; providing that the board of trustees is the governing board for purposes of granting baccalaureate degrees; providing powers of the boards of trustees, including the power to establish tuition and out-of-state fees; providing restrictions; requiring such boards to adopt a policy requiring teachers who teach certain upper-division courses to teach a specified minimum number of hours; amending s. 1002.23, F.S.; requiring guidelines for parents relating to the availability of the online student advising and guidance system and additional educational opportunities; amending s. 1003.492, F.S., relating to industry-certified career education programs; deleting obsolete provisions relating to studies; amending and renumbering s. 1004.85, F.S.; providing additional purposes for creation of educator preparation institutes; creating s. 1004.226, F.S.; defining the term "center of excellence"; providing purposes and objectives of centers of excellence; providing for proposals for establishing or expanding centers of excellence; requiring the State Board of Education to develop a plan recommending the establishment or expansion of centers of excellence; requiring reporting; amending s. 1004.65, F.S.; including community colleges approved to offer baccalaureate degree programs under authority to operate; requiring such community colleges to maintain their primary mission and prohibiting them from terminating associate degree programs; prohibiting a community college from offering graduate programs; amending s. 1004.68, F.S.; authorizing the continued awarding of degrees, diplomas, and certificates by community colleges approved to offer baccalaureate degree programs; creating s. 1006.01, F.S.; requiring the department to provide a secondary and postsecondary academic and career education online student advising and guidance system; providing requirements for such system; amending s. 1006.02, F.S.; requiring documentation that students have utilized the online student advising and guidance system; amending s. 1006.025, F.S.; requiring such documentation in guidance reports; amending s. 1007.2615, F.S.; revising provisions relating to certification of American Sign Language teachers; amending s. 1007.271, F.S.; specifying that dual enrollment courses are creditable

toward high school graduation; providing for FTE calculation; conforming to law minimum academic credits required for graduation; clarifying requirements for participation of independent postsecondary institutions in a dual enrollment program; providing for fee exemption; amending s. 1007.33, F.S.; revising requirements for a proposal by a community college to deliver a baccalaureate degree program; requiring the State Board of Education to make proposals available for review and comment by other postsecondary educational institutions and authorizing alternative proposals; eliminating requirement for review and comment by the Council for Education Policy Research and Improvement; authorizing the State Board of Education to approve, deny, or require revisions to proposals; requiring periodic evaluation of approved programs; authorizing termination of funding for certain approved programs; requiring rulemaking; amending s. 1009.21, F.S.; revising provisions relating to determination of resident status for tuition purposes; providing for such determination for purpose of assessing tuition for instruction in workforce education programs offered by school districts; revising definitions and updating terminology; revising requirements for qualification as a resident; providing duties of institutions of higher education and school districts; providing for reclassification under certain circumstances; classifying as residents certain employees of international organizations; providing eligibility criteria for certain students who are not permanent residents of the United States for exemption from payment of nonresident tuition; limiting enrollment and requiring the department to administer the exemption program; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting community college tuition and out-of-state fees for upper-division courses; requiring the State Board of Education to adopt a resident fee schedule for baccalaureate degree programs offered by community colleges; revising provisions relating to the fee for capital improvements, technology enhancements, or equipping student buildings and the use thereof; providing requirements for the issuance and validation of bonds; revising provisions relating to the allocation for child care centers; amending s. 1009.24, F.S.; providing responsibilities of the Legislature and state university boards of trustees to establish tuition and fees; providing restrictions; creating s. 1009.286, F.S.; requiring students to pay 75 percent over the in-state tuition rate for certain excess credit hours; restricting certain credit hours for purpose of calculation; providing for notice of requirements; amending s. 1009.40, F.S.; providing general requirements for student eligibility for tuition assistance grants; providing that certain students are ineligible to receive more than one state-funded tuition assistance grant; amending s. 1009.66, F.S.; renaming the Nursing Student Loan Forgiveness Program and transferring administration of the program to the Department of Education; revising criteria for receiving funds under the program and for repayment of loans; requiring that certain nurses employed as faculty in an approved nursing program be given priority in receiving funds under the program; renaming the Nursing Student Loan Forgiveness Trust Fund and transferring administration of the trust fund to the Department of Education; authorizing the adoption of rules; amending s. 1009.67, F.S.; renaming the Nursing Scholarship Program and transferring administration of the program to the Department of Education; revising criteria for receiving funds under the program; revising repayment provisions; requiring the adoption of rules; creating s. 1009.895, F.S.; creating the Florida Independent Collegiate Assistance Grant Program; providing for program administration; authorizing tuition assistance grants to certain postsecondary education students enrolling in undergraduate degree programs for specified occupations; providing institution eligibility requirements; amending s. 1009.971, F.S.; providing that the Florida Prepaid College Board shall have the power to provide for the transfer of ownership of an advance payment contract under the Florida Prepaid College Program or a participation agreement under the Florida College Savings Program upon inheritance, devise, or bequest; providing procedures and requirements with respect to such transfer of ownership; providing for specification of application contents by rule; providing applicability; amending ss. 1009.972, 1009.98, and 1009.981, F.S.; authorizing the transfer of funds retained from terminated advance payment contracts, canceled contracts, and terminated participation agreements to the direct-support organization established under pt. IV of ch. 1009, F.S., for use by the Florida Prepaid Tuition Scholarship Program and for children of specified members of the armed

forces of the United States who die while participating in the combat theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom; deleting the requirement that an independent college or university be a not-for-profit institution to be eligible for transfer of benefits; providing a restriction on transfer of benefits; amending s. 1011.62, F.S.; providing for FTE calculation for dual enrollment instruction; amending s. 1011.83, F.S.; providing for funding of approved baccalaureate programs at community colleges; providing for use of funds and reporting requirements; creating pt. VI of ch. 1011, F.S.; establishing the SUCCEED, FLORIDA! Crucial Professionals Program; providing for the appropriation of funds to the Department of Education to be distributed on a competitive basis to postsecondary educational institutions to offer programs that meet critical workforce needs; providing for a request for proposals and requirements of such proposals; requiring establishment annually by the Legislature of a priority list; providing for funding of proposals; providing requirements for grant recipients and renewal grants; establishing the SUCCEED, FLORIDA! Crucial Professionals Nursing Education Grant Program, a contract grant program for increasing the capacity of approved nursing programs; requiring the Department of Education to establish guidelines and procedures; specifying requirements for grant proposals; establishing priorities for receipt of grants; providing for review, approval, and funding of proposals; requiring the State Board of Education to submit a report on implementation status; establishing the SUCCEED, FLORIDA! Career Paths Program to provide career and professional academy startup grants; providing qualification criteria; establishing the SUCCEED, FLORIDA! Great Jobs Program; providing for the appropriation of funds to the Department of Education to be distributed on a competitive basis to postsecondary educational institutions to produce graduates to enter certain occupations in the state; providing for a request for proposals and requirements of such proposals; requiring establishment annually by the Legislature of a priority list; providing for funding of proposals; providing requirements for grant recipients; amending s. 1012.82, F.S.; revising provisions relating to minimum contact hours for community college faculty who teach upper-division courses; amending s. 1013.60, F.S.; allowing community college boards of trustees to request funding for all authorized programs and specifying requirements; requiring that enrollment in baccalaureate degree programs be computed into the survey of need for facilities; creating ch. 1014, F.S., relating to career education; defining the term "career education"; providing elements of the rigorous career education system; providing guiding principles for career education; establishing the position of Deputy Commissioner of Career Education to direct the Office of Career Education in the Department of Education and specifying qualifications for the deputy commissioner; specifying responsibilities and duties; providing legislative expectations and funding criteria for the career education system; defining the term "career and professional academy"; providing elements and duties of a career and professional academy and for certification thereof; requiring adoption of rules; amending s. 215.20, F.S.; conforming provisions relating to a trust fund; creating a program to offer discounted computers and Internet access to public school students in grades 5 through 12; requiring the department to negotiate terms with computer manufacturers, nonprofit corporations that obtain reconditioned computer hardware, and broadband Internet access providers; requiring the adoption of rules; requiring the Digital Divide Council to implement a pilot project to assist low-income students with purchasing discounted computers and Internet access services; providing for funding and authorizing the council to accept grants to implement the pilot project; requiring the Office of Program Policy Analysis and Government Accountability to study implementation of career and professional academies and make recommendations; requiring a study and report by the Office of Program Policy Analysis and Government Accountability relating to student progression in state universities; requiring the department to identify specified examinations for earning postsecondary credit for mastery of nursing course material; requiring a status report; authorizing the position of Deputy Commissioner of Career Education and providing an appropriation; requiring the transfer of positions and funds for the creation of the Office of Career Education; providing for a type two transfer with respect to nursing loan programs; requiring the convening of a workgroup to make recommendations regarding bachelor of applied science

degree programs; requiring a report; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from a trust agreement and statutory requirements; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By the Education Council; and Representative Quinones and others—

HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)—A bill to be entitled An act relating to education; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; amending s. 1000.01, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1001.03, F.S.; requiring the State Board of Education to review the Sunshine State Standards and provide a report evaluating the extent to which the standards are being taught; amending s. 1001.11, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; providing duties of the department relating to education goals; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.41, F.S.; requiring district school boards to adopt policies to provide each student a complete education program; amending s. 1001.42, F.S.; providing requirements for each district school board's system of school improvement and student progression; providing components to increase student achievement; conforming provisions relating to deletion of a rigorous reading requirement and the designation of school grades; amending s. 1002.20, F.S.; conforming a cross reference and provisions relating to educational choice; amending s. 1002.38, F.S.; conforming provisions relating to the designation of school grades and revising the date for request of an Opportunity Scholarship; creating s. 1002.385, F.S.; establishing the Reading Compact Scholarship Program to provide students with reading deficiencies the option to attend a public or private school of choice; providing eligibility requirements for receipt of a Reading Compact Scholarship to attend a private school and restricting use of such scholarship; providing for the term of a scholarship; providing school district obligation to notify parents of available options; providing Department of Education obligations, including establishment of a process for notification of violations, subsequent investigation, and certification of compliance by private schools and selection of a research organization to analyze student performance data; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school's participation in the scholarship program and procedures and timelines therefor; providing private school eligibility requirements and obligations, including compliance with specified laws and academic accountability to the parent; providing parent and student responsibilities for scholarship program participation, including compliance with the private school's published policies, participation in student academic assessment, and restrictive endorsement of scholarship warrants; prohibiting power of attorney for endorsing a scholarship warrant; providing funding and payment requirements, including calculation of scholarship amount, payment process, and Department of Financial Services review; providing for immunity; providing scope of authority; requiring adoption of rules; creating s. s. 1002.395, F.S.; establishing the K-12 GI Bill Program to provide educational options for dependents of an active-duty member of the Florida National Guard who is serving in Operation Enduring Freedom or Operation Iraqi Freedom; providing that a student may attend a public school in the school district other than the one to which assigned; providing that a student may receive a K-12 GI Bill to attend a public school in an adjacent school district or to attend a private school; amending s. 1002.20, F.S., relating to student and parent rights to educational choice, to conform; creating s. 1002.421, F.S., relating to rights and obligations of private schools participating in state school choice scholarship programs; providing requirements for participation in a scholarship program, including compliance with specified state, local, and federal laws and demonstration of fiscal soundness; requiring restrictive endorsement of checks and prohibiting a school from acting as attorney in fact; requiring employment of qualified teachers and background screening of individuals with direct student contact; requiring adoption of rules; amending s. 1003.01, F.S.; revising definition of the term "special education services"; amending s. 1003.03, F.S.; modifying implementation provisions relating to constitutional class size requirements; creat-

ing s. 1003.035, F.S.; providing class size requirements based on district average contingent upon constitutional amendment; providing implementation and calculation requirements; specifying options to meet class size requirements; authorizing transfer of funds for class size reduction; requiring certain actions by school districts not in compliance; requiring constitutional compliance plans in certain instances; amending s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs even if maximum enrollment has been reached; removing charter schools from the definition of special academic programs; creating s. 1003.413, F.S.; requiring each school district to establish policies to assist high school students to remain in school, graduate on time, and be prepared for postsecondary education and the workplace; directing the Commissioner of Education to create and implement the Challenge High School Recognition Program; creating the High School Reform Task Force and providing for appointment of members; requiring recommendation of a long-term plan relating to high school reform and specifying items to be addressed; providing for termination of the task force; amending s. 1003.415, F.S.; providing the mission of middle grades; deleting the rigorous reading requirement for middle grade students; deleting obsolete language relating to a department study; creating s. 1003.4155, F.S.; specifying the grading scale for grades 6 through 8; creating s. 1003.4156, F.S.; specifying general requirements for middle school promotion; requiring an intensive reading course under certain circumstances; defining an academic credit; requiring school district policies and authorizing alternative methods for progression; requiring adoption of rules for alternative promotion standards; amending s. 1003.42, F.S.; revising provisions relating to required instruction and courses of study in the public schools; including study of the history of the United States and free enterprise; amending s. 1003.43, F.S., relating to general requirements for high school graduation; including study of the Declaration of Independence in the credit requirement for American government; amending s. 1003.57, F.S.; providing guidelines for determining the residency of an exceptional student with a disability who resides in a residential facility and receives special instruction or services; requiring the placing authority in a parent's state of residence to pay the cost of such instruction, facilities, and services for a nonresident exceptional student with a disability; providing requirements of the department and school districts with respect to financial obligations; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; defining the term "parent" for purposes of the section; authorizing adoption of rules; creating s. 1003.575, F.S.; requiring the department to coordinate the development of an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring the form to be available to school districts to facilitate the use of an individual education plan when a student transfers; amending s. 1003.58, F.S.; correcting a cross reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated-pay policies; amending ss. 1005.22 and 1007.33, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1008.22, F.S.; specifying grade level and subject area testing requirements; requiring the State Board of Education to conduct concordance studies to determine FCAT equivalencies for high school graduation; deleting a limitation on and specifying requirements for the use of alternative assessments to the grade 10 FCAT; requiring an annual report on student performance; amending s. 1008.25, F.S.; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation; amending s. 1008.31, F.S.; deleting provisions relating to performance-based funding; revising goals and measures of the K-20 performance accountability system and requiring data quality improvement; providing for development of reporting and data collection requirements; requiring adoption of rules; amending s. 1008.33, F.S.; conforming provisions relating to the designation of school grades and a cross reference; authorizing district school boards to transfer teachers, faculty, and staff as needed; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; specifying use of assessment data with respect to alternative schools; defining the term "home school"; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; requiring improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports;

providing for determination of school improvement ratings, identification of learning gains, and eligibility for school recognition awards; requiring an annual report card to be developed by the department and distributed by school districts; requiring adoption of rules; amending s. 1008.345, F.S.; conforming provisions relating to the designation of school grades and a cross reference; amending s. 1008.36, F.S.; providing for assignment of school grades to certain feeder pattern schools that do not receive such a grade for purposes of participation in the Florida School Recognition Program; defining feeder school pattern; providing that a feeder pattern school shall be subject to the Opportunity Scholarship Program; modifying procedures for determination and use of school recognition awards; amending s. 1008.45, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; repealing s. 1008.51, F.S., relating to the Council for Education Policy Research and Improvement; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in a specified education program; providing funding for supplemental educational services for certain students; conforming cross references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation; amending s. 1011.64, F.S.; conforming terminology and cross references; amending s. 1011.685, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; creating s. 1011.6855, F.S.; creating an operating categorical fund to fund minimum pay requirements for certain instructional personnel contingent upon constitutional amendment; amending s. 1011.71, F.S.; correcting a cross reference; amending s. 1012.21, F.S.; requiring the department to annually post online school district collective bargaining contracts; amending s. 1012.22, F.S.; deleting a requirement that each district school board adopt a performance-pay policy; requiring each district school board to annually provide its negotiated collective bargaining contract to the department; creating s. 1012.2305, F.S.; establishing minimum pay for certain instructional personnel contingent upon constitutional amendment; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching salary career ladder program; creating s. 1012.2312, F.S.; requiring each district school board to adopt a differentiated-pay policy for instructional personnel; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2313, F.S.; requiring each district school board to have a differentiated-pay policy for school administrators; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and authorizing incentives; providing procedures for noncompliance; providing requirements relating to collective bargaining; amending s. 1012.27, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; creating s. 1012.986, F.S.; establishing the A+ Professional Development Program for School Leaders; defining the term "school leader"; establishing school leadership designations; providing program requirements and delivery systems; requiring adoption of rules; repealing s. 1012.987, F.S., relating to rules for a leadership designation; creating s. 1013.381, F.S.; requiring each district school board to adopt and implement an indoor environmental quality policy which provides for periodic surveys; providing that the policy may include certain requirements; providing for indemnification under certain circumstances; requiring display of indoor environmental quality training completion; requiring adoption of rules; amending s. 1013.512, F.S.; requiring the release of funds remaining in reserve relating to school district land acquisition and facilities operations; specifying when a Land Acquisition and Facilities Advisory Board shall be disbanded; establishing the Charter School Task Force and specifying composition and duties; requiring the department to provide staff support to the task force; providing severability; providing effective dates.

—was referred to the Committees on Education; and Education Appropriations.

By Representative Harrell and others—

HB 185—A bill to be entitled An act relating to public records and public meetings exemptions; creating s. 383.412, F.S.; providing an exemption from public records requirements for any information that reveals the identity of surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by, and which information is held by, the State Child Abuse Death Review Committee or local committee, or a panel or committee assembled by the state committee or a local committee; providing that confidential or exempt information obtained by such committees or panels will retain its confidential or exempt status; providing an exemption from public meetings requirements for portions of meetings of such committees or panels wherein confidential and exempt information is discussed; authorizing the State Child Abuse Death Review Committee and local child abuse death review committees to share relevant confidential and exempt information regarding case reviews involving child death; providing a penalty for the unauthorized disclosure of confidential information concerning child fatalities; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Oversight and Productivity.

By the Committee on Choice and Innovation; and Representative Stargel and others—

HJR 1843—A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 26 of Article XII of the State Constitution relating to public education.

—was referred to the Committees on Education; and Education Appropriations.

By the Committee on Business Regulation; and Representative Attikisson—

HB 1903—A bill to be entitled An act relating to public records; creating s. 551.1078, F.S.; creating an exemption from public records require-

ments for trade secrets held by the Division of Slot Machines in the Department of Business and Professional Regulation; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Ways and Means.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 106, SB 252, SB 308, CS for CS for SB 334, SB 470, CS for SB 478, SB 498, CS for SB 530, SB 550, CS for CS for SB 572, CS for SB 656, CS for SB 658, CS for SB 720, CS for SB 1056, CS for SB 1094, CS for SB 1208 and CS for CS for CS for SB 1314.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—CS for CS for SB 2178; Bennett—SB 966; Constantine—SB 2312; Klein—CS for CS for SB 328, SB 752, CS for SB 1466, CS for SB 2266; Siplin—CS for CS for SB 1456; Wilson—SB 984

RECESS

On motion by Senator Pruitt, the Senate recessed at 6:58 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, May 4 or upon call of the President.